

By Mr. HOEPEL: Joint resolution (H.J.Res. 374) to provide for obtaining data on displacement of workers by labor-saving devices, for use in formulating plans and legislation for diminishing such displacement and the harmful social and economic consequences thereof; to the Committee on Labor.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KURTZ: A bill (H.R. 9932) granting an increase of pension to Elvira M. Miller; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H.R. 9933) granting a pension to Mary Tiger; to the Committee on Invalid Pensions.

Also, a bill (H.R. 9934) granting a pension to Rebekah E. R. Ramsey; to the Committee on Invalid Pensions.

By Mr. SADOWSKI: A bill (H.R. 9935) authorizing the Secretary of War to award a Distinguished Service Medal to Clarence E. Whitney; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5145. By Mr. KENNEY: Petition in the nature of a resolution of the St. John's Holy Name Society in the city of Bergenfield, N.J., calling upon our Senators and Representatives in Congress to support the amendment to section 301 of Senate bill 2910, providing for the insurance of equity of opportunity for educational, religious, agricultural, labor, cooperative, and similar non-profit-making associations seeking licenses for radio broadcasting by incorporating into the statute a provision for the allotment to said non-profit-making associations of at least 25 percent of all radio facilities not employed in public use; to the Committee on Merchant Marine, Radio, and Fisheries.

5146. By Mr. LINDSAY: Petition of the Sterling Die Casting Co., Inc., Brooklyn, N.Y., opposing the passage of the new Wagner labor disputes bill (S. 2926); to the Committee on Labor.

5147. Also, telegram of Edward J. Volz, president International Photoengravers Union, New York City, urging passage of the housing bill, the Connery 30-hour week bill, and amended Wagner labor disputes bill; to the Committee on Labor.

5148. Also, petition of the United National Association of Post Office Clerks, Washington, D.C., urging the passage of House bill 4113; to the Committee on the Civil Service.

5149. Also, petition of the Somerco & Conzen Coal Corporation, Brooklyn, N.Y., protesting the passage of the amended Wagner labor disputes bill; to the Committee on Labor.

5150. Also, telegram from Burton O. Gibbs, Brooklyn, N.Y., urging defeat of Senate bill 3326; to the Committee on Labor.

5151. By Mr. RUDD: Petition of the International Photoengravers Union, New York City, favoring the passage of the housing bill, Connery 30 hour bill, and amended Wagner labor disputes bill, as may be amended by sponsors, prior to adjournment; to the Committee on Labor.

5152. Also, petition of the New York Stereotypers Union No. 1, favoring the Connery 30-hour week bill; to the Committee on Labor.

5153. Also, petition of the Sterling Die Casting Co., Inc., Brooklyn, N. Y., opposing the passage of the Wagner labor disputes bill; to the Committee on Labor.

5154. Also, petition of the Somers & Conzen Coal Corporation, Brooklyn, N.Y., opposing the passage of the Wagner labor disputes bill; to the Committee on Labor.

5155. Also, petition of the United National Association of Pot Office Clerks, favoring the passage of House bill 4113; to the Committee on the Post Office and Post Roads.

5156. Also, petition of Richard Knight, Forest Hills, Long Island, N.Y., opposing the Wagner labor disputes bill; to the Committee on Labor.

5157. Also, petition of the Chase Bag Co., New York City, favoring amendment to the Agricultural Act to permit refund on floor stocks of cotton, burlap, and paper bags; to the Committee on Agriculture.

5158. Also, petition of Locals 63 and 142, New York Amalgamated Clothing Workers of America, favoring the Connery 30-hour-week bill; to the Committee on Labor.

5159. By Mr. TREADWAY: Resolutions adopted by the General Court of Massachusetts, urging the enactment of legislation providing a retirement system for railroad employees; to the Committee on Interstate and Foreign Commerce.

## SENATE

FRIDAY, JUNE 15, 1934

(Legislative day of Wednesday, June 6, 1934)

The Senate met in executive session at 11 o'clock a.m., on the expiration of the recess.

#### THE JOURNAL

As in legislative session,

On motion of Mr. ROBINSON of Arkansas, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, June 14, was dispensed with, and the Journal was approved.

#### CONSIDERATION OF TREATIES

The VICE PRESIDENT. Under the unanimous-consent agreement entered into yesterday the Senate, in executive session, will proceed to the consideration of treaties on the calendar.

Mr. ROBINSON of Arkansas. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Costigan	Hebert	Pope
Ashurst	Couzens	Johnson	Reynolds
Austin	Cutting	Kean	Robinson, Ark.
Bachman	Davis	King	Robinson, Ind.
Bailey	Dickinson	La Follette	Russell
Bankhead	Dieterich	Lewis	Schall
Barbour	Dill	Logan	Sheppard
Barkley	Duffy	Loneragan	Shipstead
Black	Erickson	Long	Smith
Bone	Fess	McCarran	Steiwer
Borah	Fletcher	McGill	Stephens
Brown	Frazier	McKellar	Thomas, Okla.
Bulkeley	George	McNary	Thomas, Utah
Bulow	Gibson	Metcalf	Thompson
Byrd	Glass	Murphy	Townsend
Byrnes	Goldsborough	Neely	Tydings
Capper	Gore	Norbeck	Vandenberg
Caraway	Hale	Norris	Wagner
Carey	Harrison	Nye	Walcott
Clark	Hastings	O'Mahoney	Walsh
Connally	Hatch	Overton	Wheeler
Coolidge	Hatfield	Patterson	White
Copeland	Hayden	Pittman	

Mr. HEBERT. I desire to announce that the Senator from Pennsylvania [Mr. REED] is absent on account of illness, and the Senator from New Hampshire [Mr. KEYES] is necessarily detained from the Senate.

Mr. LEWIS. I desire to announce that the Senator from California [Mr. McADOO] is absent, due to illness, and that the Senator from Indiana [Mr. VAN NUYS] and the Senator from Florida [Mr. TRAMMELL] are necessarily detained.

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

The clerk will state the first treaty on the calendar.

Mr. PITTMAN. Mr. President, there are 12 treaties on the calendar, and the reason I desired to have a particular time set aside for their consideration was so that those Senators who are interested in the treaties might be able to make arrangements to be present.

I desire to take the treaties up out of order on the calendar; that is, I desire to have considered first the treaties which are purely formal ones. Therefore I will ask that Executive M be first considered.

## SUPPLEMENTARY EXTRADITION TREATY WITH FINLAND

The Senate, as in Committee of the Whole, proceeded to consider Executive M (73d Cong., 2d sess.), a supplementary extradition treaty between the United States and Finland, signed at Washington on May 17, 1934, which was read the second time, as follows:

The United States of America and the Republic of Finland, being desirous of enlarging the list of crimes on account of which extradition may be granted under the treaty concluded between the United States of America and the Republic of Finland on August 1, 1924, with a view to the better administration of justice and the prevention of crime within the two countries, have resolved to conclude a supplementary treaty for this purpose and have appointed as their plenipotentiaries, to wit:

The President of the United States of America, Mr. Cordell Hull, Secretary of State of the United States of America; and

The President of the Republic of Finland, Mr. L. Aström, Envoy Extraordinary and Minister Plenipotentiary of Finland to the United States of America;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

## ARTICLE I

The following crime is added to the list of crimes numbered 1 to 17 in article II of the said treaty of August 1, 1924, on account of which extradition may be granted, that is to say:

18. Fraudulent bankruptcy.

## ARTICLE II

Paragraph 3 of article II of the said treaty of August 1, 1934, is hereby amended by substituting for the words "a girl", contained therein, the word "children", so that this paragraph shall now read: "rape, abortion, and the carnal knowledge of children under the age of twelve years."

## ARTICLE III

The present treaty shall be considered as an integral part of the said Extradition Treaty of August 1, 1924.

## ARTICLE IV

The present treaty shall be ratified by the high contracting parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Helsinki as soon as possible.

In witness whereof, the above-mentioned plenipotentiaries have signed the present treaty and have hereunto affixed their seals.

Done, in duplicate, at Washington, this 17th day of May 1934.

CORDELL HULL. [SEAL]  
L. ASTRÖM. [SEAL]

Mr. PITTMAN. I will state, Mr. President, that this is a supplementary extradition treaty. It adds to the crimes made extraditable under the existing treaty the crimes of fraudulent bankruptcy and rape. That is all.

Mr. NORRIS. Mr. President, am I to understand that the present treaty with Finland omits those two crimes?

Mr. PITTMAN. Yes, sir.

Mr. NORRIS. And this treaty proposes to include them?

Mr. PITTMAN. The treaty merely includes the additional crimes to the list of extraditable crimes.

The VICE PRESIDENT. If there be no amendments, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification will be read.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive M, Seventy-third Congress, second session, a supplementary extradition treaty between the United States and Finland, signed at Washington on May 17, 1934.*

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to, and the treaty is ratified.

## SUPPLEMENTARY EXTRADITION TREATY WITH LITHUANIA

Mr. PITTMAN. I ask that the Senate proceed to the consideration of Executive L.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of Executive L, a supplementary extradition treaty between the United States and Lithuania, signed at Washington, May 17, 1934, which was read the second time, as follows:

The United States of America and the Republic of Lithuania desiring to promote the cause of justice by enlarging the list of crimes on account of which extradition may be granted under the treaty concluded between the United States of America and the Republic of Lithuania on April 9, 1924, have resolved to conclude a supplementary treaty for this purpose and have appointed as their plenipotentiaries, to wit:

The President of the United States of America, Cordell Hull, Secretary of State of the United States of America; and

The President of the Republic of Lithuania, Mikas Bagdonas, Chargé d'Affaires ad interim of the Republic of Lithuania at Washington,

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

## ARTICLE I

The following crimes are added to the list of crimes numbered 1 to 24 in article II of the said treaty of April 9, 1924, on account of which extradition may be granted, that is to say:

25. Crimes and offenses against the bankruptcy laws.

26. Crimes and offenses, or attempted crimes or offenses, against the laws relating to the traffic in narcotic drugs.

## ARTICLE II

The present treaty shall be considered as an integral part of the said extradition treaty of April 9, 1924, and article II of the last-mentioned treaty shall be read as if the list of crimes therein contained had originally comprised the additional crimes specified and numbered 25 and 26 in the first article of the present treaty.

The present treaty shall be ratified by the high contracting parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Washington as soon as possible.

In witness whereof, the above-mentioned plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done, in duplicate, at Washington this 17th day of May 1934.

CORDELL HULL. [SEAL]  
MIKAS BAGDONAS. [SEAL]

Mr. PITTMAN. This treaty simply adds to the list of extraditable crimes those against the bankruptcy laws and those against the narcotic laws.

The VICE PRESIDENT. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification will be read.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive L (73d Cong., 2d sess.), a supplementary extradition treaty between the United States and Lithuania, signed at Washington on May 17, 1934.*

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to and the treaty is ratified.



## SUPPLEMENTARY EXTRADITION TREATY WITH SWEDEN

Mr. PITTMAN. I ask that Executive K be next considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive K, a supplementary extradition treaty between the United States and Sweden, signed at Washington on May 17, 1934, which was read the second time, as follows:

The President of the United States of America and His Majesty the King of Sweden, being desirous of enlarging the list of crimes and offenses on account of which extradition may be granted under the Extradition Treaty of January 14, 1893, between the United States of America and Sweden, have resolved to conclude a supplementary treaty for this purpose and have appointed as their plenipotentiaries, to wit:

The President of the United States of America, Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Sweden, W. Boström, Envoy Extraordinary and Minister Plenipotentiary of Sweden at Washington,

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

## ARTICLE I

To the list of crimes and offenses numbered 1 to 12 in article II of the treaty of January 14, 1893, the following, contained in a paragraph numbered 13, is added:

13. Crimes and offenses against the bankruptcy laws, provided the act in the United States of America is punishable as a felony and in Sweden is regarded as a crime that may be punished according to the Swedish Penal Law by imprisonment at hard labor.

## ARTICLE II

The present treaty shall be considered as an integral part of the said Extradition Treaty of January 14, 1893, article II of which shall be read as if the list of crimes and offenses therein contained had originally comprised the additional crimes and offenses specified and numbered 13 in the first article of the present treaty.

The present treaty shall be ratified and the ratifications shall be exchanged at Stockholm as soon as possible. It shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective plenipotentiaries have signed the present supplementary treaty and have thereto affixed their seals.

Done, in duplicate, at Washington this seventeenth day of May, in the year of our Lord one thousand nine hundred and thirty-four.

CORDELL HULL. [SEAL]  
W. BOSTRÖM. [SEAL]

Mr. PITTMAN. Mr. President, this treaty also adds crimes against the bankruptcy laws, but provides a qualification so as to include only such crimes of this character as are felonies in the United States and punishable by hard labor in Sweden.

The VICE PRESIDENT. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification will be read.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive K (73d Cong., 2d sess.), a supplementary extradition treaty between the United States and Sweden, signed at Washington May 17, 1934.*

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to, and the treaty is ratified.

## SUPPLEMENTARY EXTRADITION TREATY WITH AUSTRIA

Mr. PITTMAN. I ask that the Senate now consider Executive R.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive R, a supplementary extradition treaty between the United States of America and Austria signed at Vienna on May 19, 1934, which was read the second time, as follows:

The United States of America and Austria, desiring to enlarge the list of crimes on account of which extradition may be granted under the convention concluded between the United States and Austria on January 31, 1930, with a view to the better administration of justice and prevention of crime within their respective territories and jurisdictions, have resolved to conclude a supplementary convention for this purpose and have appointed the following plenipotentiaries:

The President of the United States of America: Mr. Alfred W. Kliefoth, his chargé d'affaires ad interim to Austria, and The Federal President of Austria: Dr. E. Dollfuss, Federal Chancellor.

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

## ARTICLE I

The following crimes are added to the list of crimes numbered 1 to 22 in article II of the said convention of January 31, 1930, on account of which extradition may be granted, that is to say:

23. Crimes against the bankruptcy laws.

## ARTICLE II

The present convention shall be considered as an integral part of the said extradition convention of January 31, 1930, and article II of the last-mentioned convention shall be read as if the list of crimes therein contained had originally comprised the additional crimes numbered 23 in the first article of the present convention.

The present convention shall be ratified by the high contracting parties in accordance with their respective constitutional methods, and shall take effect on the date of the exchange of ratifications which shall take place at Vienna as soon as possible.

In witness whereof the above-mentioned plenipotentiaries have signed the present convention in both the English and German languages, and have hereunto affixed their seals.

Done, in duplicate, at Vienna, this 19th day of May 1934.  
United States of America:

ALFRED W. KLIEFOTH.

Austria

E. DOLLFUSS.

Mr. PITTMAN. That simply adds crimes against the bankruptcy laws.

The VICE PRESIDENT. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification will be read.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive R (73d Cong., 2d sess.), a supplementary extradition treaty between the United States of America and Austria signed at Vienna on May 19, 1934, adding crimes against the bankruptcy laws to the extraditable crimes and offenses listed in the extradition treaty of January 31, 1930, between the two countries.*

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators concurring therein, the resolution is agreed to and the treaty is ratified.

## TREATY OF FRIENDSHIP AND COMMERCE WITH FINLAND

Mr. PITTMAN. I now ask that the Senate consider Executive D.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive D (73d Cong., 2d sess.), a treaty of friendship, commerce, and consular rights between the United States and the Republic of Fin-

land, signed at Washington, February 13, 1934, which was read the second time, as follows:

The United States of America and the Republic of Finland, desirous of strengthening the bond of peace which happily prevails between them, by arrangements designed to promote friendly intercourse between their territories through provisions responsive to the spiritual, cultural, economic and commercial aspirations of the peoples thereof, have resolved to conclude a Treaty of Friendship, Commerce and Consular Rights and for that purpose have appointed as their plenipotentiaries:

The President of the United States of America,  
Mr. Cordell Hull, Secretary of State of the United States of America;

The President of the Republic of Finland,  
Mr. L. Aström, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Finland to the United States of America,

Who, having communicated to each other their full powers found to be in due form, have agreed upon the following articles:

#### ARTICLE I

Nationals of each High Contracting Party who conform to the laws and regulations of the other Party, shall be permitted to enter, travel and reside in its territory for the purpose of carrying on trade between the two countries; also for other purposes in so far as entry, travel and residence is or may be permitted by local law.

The nationals of each of the High Contracting Parties within the territory of the other shall be permitted to engage in professional, scientific, religious, philanthropic, manufacturing and commercial work of every kind, to carry on every form of commercial activity, to own, erect or lease and occupy appropriate buildings and to lease lands for residential, scientific, religious, philanthropic, manufacturing, commercial and mortuary purposes, and generally to do anything incidental to or necessary for the enjoyment of any of the foregoing privileges, upon the same terms as nationals of the state of residence insofar as may be permitted by local law. In no case shall they be accorded less favorable treatment in respect of any of the aforesaid matters than nationals of the most favored nation. They shall be permitted in pursuance of any of the aforesaid activities to appoint representatives, agents, or employees of their choice, subject to the local laws in relation to the immigration of aliens.

The nationals of either High Contracting Party within the territory of the other shall not be subjected to the payment of any internal charges or taxes other or higher than those that are exacted of and paid by its nationals.

The nationals of each High Contracting Party shall enjoy freedom of access to the courts of justice of the other on conforming to the local laws, as well for the prosecution as for the defense of their rights, and in all degrees of jurisdiction established by law.

The nationals of each High Contracting Party shall receive within the territory of the other, upon submitting to conditions imposed upon its nationals, the most constant protection and security for their persons and property, and shall enjoy in this respect that degree of protection that is required by international law. Their property shall not be taken without due process of law and without payment of just compensation.

#### ARTICLE II

With respect to that form of protection granted by National, State or Provincial laws establishing civil liability for injuries or for death, and giving to relatives or heirs or dependents of an injured party a right of action or a pecuniary benefit, such relatives or heirs or dependents of the injured party, himself a national of either of the High Contracting Parties and injured within the territory of the other, shall regardless of their alienage or residence outside of the territory where the injury occurred, enjoy the same rights and privileges as are or may be granted to nationals, and under like conditions.

#### ARTICLE III

The dwellings, warehouses, manufactories, shops and other places of business, and all premises thereto appertaining of the nationals of each of the High Contracting Parties in the territory of the other, used for any purposes set forth in Article I, shall be respected. It shall not be allowable to make a domiciliary visit to, or search of any such buildings and premises, or there to examine and inspect books, papers or accounts, except under the conditions and in conformity with the forms prescribed by the laws, ordinances and regulations for nationals.

#### ARTICLE IV

Where, on the death of any person holding real or other immovable property or interests therein within the territory of one High Contracting Party, such property or interests therein would, by the laws of the country or by a testamentary disposition, descend or pass to a national of the other High Contracting Party, whether resident or non-resident, were he not disqualified by the laws of the country where such property or interests therein is or are situated, such national shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and withdraw the proceeds thereof without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the nationals of the country from which such proceeds may be drawn.

Nationals of either High Contracting Party may have full power to dispose of their personal property of every kind within the territory of the other, by testament, donation, or otherwise, and their heirs, legatees and donees, of whatsoever nationality, whether resident or non-resident, shall succeed to such personal property and may take possession thereof, either by themselves or by others acting for them, and retain or dispose of the same at their pleasure subject to the payment of such duties or charges only as the nationals of the High Contracting Party within whose territory such property may be or belong shall be liable to pay in like cases.

#### ARTICLE V

The nationals of each of the High Contracting Parties may exercise liberty of conscience and freedom of worship within the territory of the other Party. They may, without annoyance or molestation of any kind by reason of their religious belief or otherwise, conduct services either within their own houses or within any appropriate buildings which they may be at liberty to erect and maintain in convenient situations, provided their teachings or practices are not contrary to public morals; and they may also be permitted to bury their dead according to their religious customs in suitable and convenient places established and maintained for the purpose, subject to the reasonable mortuary and sanitary laws and regulations of the place of burial.

#### ARTICLE VI

Between the territories of the High Contracting Parties there shall be freedom of commerce and navigation. The nationals of each of the High Contracting Parties, equally with those of the most-favored nation, shall have liberty freely to come with their vessels and cargoes to all places, ports and waters of every kind within the territorial limits of the other which are or may be open to foreign commerce and navigation.

#### ARTICLE VII

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or charges, and no other conditions or prohibitions on the importation of any article, the growth, produce or manufacture of the territory of the other Party, from whatever place arriving, than are or shall be imposed on the importation of any like article, the growth, produce or manufacture of any other foreign country. Nor shall any such duties, charges or conditions affecting importations be made effective retroactively.

Each of the High Contracting Parties binds itself unconditionally to impose no higher or other duties or charges and



no other conditions, restrictions or prohibitions on the exportation of any article to the territory of the other Party than are or shall be imposed on the exportation of any like article to any other foreign country.

Nothing in this Treaty shall be construed to restrict the right of either High Contracting Party to impose on such terms as it may see fit, and subject to the sole requirement that there shall be no arbitrary discrimination against the other Party as compared with any other foreign country where similar conditions prevail, prohibitions or restrictions designed to protect human, animal, or plant life and health, or regulations for the enforcement of police or revenue laws of the United States or of Finland relating to imports the importation, transportation, or sale of which is prohibited or restricted, nor shall anything in this Treaty be construed to restrict the measures applicable in either the United States or Finland to seeds of agricultural plants which, on account of their origin, are deemed not to thrive in the territory of the respective countries.

Neither High Contracting Party shall establish or maintain restrictions on imports from or exports to the territory of the other Party which are not applied to the import and export of any like article originating in or destined for any other country. Any withdrawal of an import or export restriction which is granted even temporarily by one of the Parties in favor of the articles of a third country shall be applied immediately and unconditionally to like articles originating in or destined for the other Contracting Party. In the event of rations or quotas being established for the importation or exportation of articles restricted or prohibited, each of the High Contracting Parties agrees to grant for the importation from or exportation to the territory of the other Party an equitable share in the allocation of the quantity of restricted goods which may be authorized for importation or exportation.

#### ARTICLE VIII

Merchandise the growth, produce or manufacture of either of the High Contracting Parties, after importation into the territory of the other Party, shall not be subjected to other or higher internal taxes or charges, or to other or higher charges in respect of warehousing or other facilities, than those payable under like circumstances and conditions on like articles of national origin.

#### ARTICLE IX

Any advantage of whatsoever kind which either High Contracting Party may extend to any article, the growth, produce or manufacture of any foreign country, whether such favored State shall have been accorded such treatment gratuitously or for compensation, shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other High Contracting Party, from whatever place arriving.

#### ARTICLE X

The stipulations of this treaty regarding the treatment to be accorded by each High Contracting Party to the commerce of the other do not extend.

(1) to the treatment which is accorded by the United States of America to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on December 11, 1902, or any other commercial convention which hereafter may be concluded by the United States with Cuba; or to the commerce of the United States with the Panama Canal Zone or with any of the dependencies of the United States or the commerce of the dependencies of the United States with one another under existing or future laws;

(2) to the benefits which either High Contracting Party has accorded, or may accord, to its neighboring states in order to facilitate local traffic;

(3) to the treatment which Finland accords or may hereafter accord to the commerce of Estonia.

#### ARTICLE XI

There shall be complete freedom of transit through the territory including the territorial waters of each High Contracting Party on routes convenient for international transit

to persons and goods coming from or going to, or passing through the territory of the other High Contracting Party, except such persons as may be forbidden admission into its territory or goods of which the importation may be prohibited by law. Persons and goods in transit shall not be subjected to any transit duty, or to any unnecessary delays or restrictions, or to any discrimination as regards charges, facilities, or any other matter.

Goods in transit must be entered at the proper custom house, but they shall be exempt from all customs and similar duties.

All charges imposed on persons and goods in transit shall be reasonable, having regard to the conditions of the traffic.

The provisions of this article do not apply to the Panama Canal or to waterways and canals which constitute international boundaries.

#### ARTICLE XII

All articles which are or may be legally imported from foreign countries into ports of the territory of the United States or are or may be legally exported therefrom in vessels of the United States may likewise be imported into those ports or exported therefrom in Finnish vessels without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in vessels of the United States; and, reciprocally all articles which are or may be legally imported from foreign countries into the ports of the territory of Finland or are or may be legally exported therefrom in Finnish vessels may likewise be imported into those ports or exported therefrom in vessels of the United States without being liable to any other or higher duties or charges whatsoever than if such articles were imported or exported in Finnish vessels.

In the same manner there shall be perfect equality in relation to the flags of the two countries with regard to bounties, drawbacks, and other privileges of this nature of whatever denomination which may be allowed in the territory of each of the Contracting Parties, on goods imported or exported in national vessels so that such bounties, drawbacks and other privileges shall also and in like manner be allowed on goods imported or exported in vessels of the other country.

With respect to the amount and collection of duties or charges on imports and exports of every kind each of the High Contracting Parties binds itself to give to the vessels of the other the advantage of every favor, privilege or immunity which it shall have accorded to the vessels of a third State, whether such favored State shall have been accorded such treatment gratuitously or for compensation.

#### ARTICLE XIII

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties or charges of whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territory of either High Contracting Party upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels. Such equality of treatment shall apply reciprocally to the vessels of the two countries respectively from whatever place they may arrive and whatever may be their place of destination.

#### ARTICLE XIV

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties shall be permitted to discharge portions of cargoes at any port open to foreign commerce in the territory of the other High Contracting Party, and to proceed with the remaining portions of such cargoes to any other ports of the same territory open to foreign commerce, on the same terms as national vessels and without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances. They shall be permitted, on the same terms as national vessels, to load in like manner at different ports in the same voyage outward.

Exceptions, however, shall be made to the provisions of this article and other provisions of this treaty in regard to

(1) coasting trade (cabotage), respecting which the High Contracting Parties shall concede to each other the most-favored-nation treatment;

(2) traffic in natural or artificial inland waterways, not ordinarily navigable by transoceanic vessels, provided, however, that in regard to such traffic each High Contracting Party will grant to the other most-favored-nation treatment; and provided further, that such vessels of one of the High Contracting Parties as may be permitted to engage in traffic on inland waterways of the other, and the cargoes of such vessels, shall be subject to no other or higher charges than national vessels and their cargoes;

(3) it is further understood that without modifying the stipulations of this Treaty, so far as the amount of pilotage fees is concerned, the United States agrees not to claim, under this Treaty, for American ships any special concessions in regard to the employment of Government pilots which the Finnish Government has granted or may grant to Finnish and Swedish ships on voyages between Finland and Sweden confined to the Baltic Sea and its bays north of 59 degrees north latitude, so long as such concessions are not extended to the vessels of any third country;

(4) it is also understood that the United States will not claim, under this Treaty, any benefits which Finland has accorded, or may accord, to Russia in respect of fishing or sealing in its territorial waters in the Arctic Ocean.

#### ARTICLE XV

For the purposes of this treaty merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties and carrying the papers required by its national laws in proof of nationality shall be deemed to be the vessels of the Party whose flag is flown both within the territorial waters of the other High Contracting Party and on the high seas.

#### ARTICLE XVI

Limited liability and other corporations and associations, whether or not for pecuniary profit, which have been or may hereafter be organized in accordance with and under the laws, National, State or Provincial, of either High Contracting Party and maintain a central office within the territory thereof, shall have their juridical status recognized by the other High Contracting Party provided that they pursue no aims within its territory contrary to its laws. They shall enjoy free access to the courts of law and equity, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of rights in all the degrees of jurisdiction established by law.

The right of such corporations and associations of either High Contracting Party so recognized by the other to establish themselves within its territory, establish branch offices and fulfill their functions therein shall depend upon, and be governed solely by, the consent of such party as expressed in its National, State or Provincial laws. If such consent be given on the condition of reciprocity the condition shall be deemed to relate to the provisions of the laws, National, State or Provincial under which the foreign corporation or association desiring to exercise such rights is organized.

#### ARTICLE XVII

The nationals of either High Contracting Party shall enjoy within the territory of the other, reciprocally and upon compliance with the conditions there imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the organization of and participation in limited liability and other corporations and associations, for pecuniary profit or otherwise, including the rights of promotion, incorporation, purchase and ownership and sale of shares and the holding of executive or official positions therein. In the exercise of the foregoing rights and with respect to the regulation or procedure concerning the organization or conduct of such corporations or associations, such nationals shall be subjected to no conditions less favorable than those which have been or may hereafter be imposed upon the nationals of the most favored nation. The rights of any of such corporations or associations as may be organized or controlled or participated in by the nationals of either High Con-

tracting Party within the territory of the other to exercise any of their functions therein, shall be governed by the laws and regulations, National, State or Provincial, which are in force or may hereafter be established within the territory of the Party wherein they propose to engage in business.

The nationals of either High Contracting Party, shall moreover, enjoy within the territory of the other, reciprocally and upon compliance with the conditions therein imposed, such rights and privileges as have been or may hereafter be accorded the nationals of any other State with respect to the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain of the other. It is understood, however, that neither High Contracting Party shall be required by anything in this paragraph to grant any application for any such right or privilege if at the time such application is presented the granting of all similar applications shall have been suspended or discontinued.

#### ARTICLE XVIII

Commercial travelers representing manufacturers, merchants and traders domiciled in the territory of either High Contracting Party shall on their entry into and sojourn in the territory of the other Party and on their departure therefrom be accorded the most-favored-nation treatment in respect of customs and other privileges and of all charges and taxes of whatever denomination applicable to them or their samples.

Commercial travelers, for the purpose of this article, shall be understood to include representatives of commercial concerns who are traveling for the purpose of soliciting orders.

Either High Contracting Party may require, as a condition for granting the privileges mentioned in Paragraph 1 of this article, the presentation of an authentic document establishing the identity and authority of the commercial traveler. For this purpose any of the following documents, issued in the country where the commercial concern represented is domiciled, shall be accepted as satisfactory to the authorities of the country of destination:

- a) a certificate issued by the official authority designated for the purpose;
- b) a certificate issued by a Chamber of Commerce, or
- c) a signed statement, issued by the concern or concerns represented, in which case it may be required to be certified by a consular officer of the country of destination.

#### ARTICLE XIX

Each of the High Contracting Parties agrees to receive from the other, consular officers in those of its ports, places and cities, where it may be convenient and which are open to consular representatives of any foreign country.

Consular officers of each of the High Contracting Parties shall, after entering upon their duties, enjoy reciprocally in the territory of the other all the rights, privileges, exemptions and immunities which are enjoyed by officers of the same grade of the most favored nation. As official agents, such officers shall be entitled to the high consideration of all officials, national or local, with whom they have official intercourse in the state which receives them.

The Government of each of the High Contracting Parties shall furnish free of charge the necessary exequatur of such consular officers of the other as present a regular commission signed by the chief executive of the appointing state and under its great seal; and they shall issue to a subordinate or substitute consular officer duly appointed by an accepted superior consular officer with the approbation of his Government, or by any other competent officer of that Government, such documents as according to the laws of the respective countries shall be requisite for the exercise by the appointee of the consular function. On the exhibition of an exequatur, or other document issued in lieu thereof to such subordinate, such consular officer shall be permitted to enter upon his duties and to enjoy the rights, privileges and immunities granted by this treaty.

#### ARTICLE XX

Consular officers, nationals of the state by which they are appointed, shall be exempt from arrest except when charged with the commission of offenses locally designated



as crimes and subjecting the individual guilty thereof to punishment as a criminal. Such officers shall be exempt from military billetings and from service of any military or naval, administrative or police character whatsoever.

In criminal cases the attendance at the trial by a consular officer as a witness may be demanded by the prosecution or defense. The demand shall be made with all possible regard for the consular dignity and the duties of the office; and there shall be compliance on the part of the consular officer.

Consular officers shall be subject to the jurisdiction of the courts in the state which receives them in civil cases, subject to the proviso, however, that when the officer is a national of the state which appoints him and is engaged in no private occupation for gain, his testimony shall be taken orally or in writing at his residence or office and with due regard for his convenience. The officer should, however, voluntarily give his testimony at the trial whenever it is possible to do so without serious interference with his official duties.

#### ARTICLE XXI

Consular officers, including employees in a consulate, nationals of the State by which they are appointed other than those engaged in private occupations for gain within the State where they exercise their functions shall be exempt from all taxes, National, State, Provincial, and Municipal, levied upon their persons or upon their property, except taxes levied on account of the possession or ownership of immovable property situated in, or income derived from property of any kind situated or belonging within the territory of the State within which they exercise their functions. All consular officers and employees, nationals of the State appointing them shall be exempt from the payment of taxes on the salary, fees or wages received by them in compensation for their consular services.

The Government of each High Contracting Party shall have the right to acquire and own land and buildings required for diplomatic or consular premises in the territory of the other High Contracting Party and also to erect buildings in such territory for the purposes stated subject to local building regulations.

Lands and buildings situated in the territory of either High Contracting Party, of which the other High Contracting Party is the legal or equitable owner and which are used exclusively for governmental purposes by that owner, shall be exempt from taxation of every kind, National, State, Provincial and Municipal, other than assessments levied for services or local public improvements by which the premises are benefited.

#### ARTICLE XXII

Consular officers may place over the outer door of their respective offices the arms of their State with an appropriate inscription designating the official office. Such officers may also hoist the flag of their country on their offices including those situated in the capitals of the two countries. They may likewise hoist such flag over any boat or vessel employed in the exercise of the consular function.

The consular offices and archives shall at all times be inviolable. They shall under no circumstances be subjected to invasion by any authorities of any character within the country where such offices are located. Nor shall the authorities under any pretext make any examination or seizure of papers or other property deposited within a consular office. Consular offices shall not be used as places of asylum. No consular officer shall be required to produce official archives in court or testify as to their contents.

Upon the death, incapacity, or absence of a consular officer having no subordinate consular officer at his post, secretaries or chancellors, whose official character may have previously been made known to the government of the State where the consular function was exercised, may temporarily exercise the consular function of the deceased or incapacitated or absent consular officer; and while so acting shall enjoy all the rights, prerogatives and immunities granted to the incumbent.

#### ARTICLE XXIII

Consular officers, nationals of the State by which they are appointed, may, within their respective consular districts, address the authorities, National, State, Provincial or Municipal, for the purpose of protecting their countrymen in the enjoyment of their rights accruing by treaty or otherwise. Complaint may be made for the infraction of those rights. Failure upon the part of the proper authorities to grant redress or to accord protection may justify interposition through the diplomatic channel, and in the absence of a diplomatic representative, a consul general or the consular officer stationed at the capital may apply directly to the government of the country.

#### ARTICLE XXIV

Consular officers may, in pursuance of the laws of their own country, take, at any appropriate place within their respective districts, the depositions of any occupants of vessels of their own country, or of any national of, or of any person having permanent residence within the territory of, their own country. Such officers may draw up, attest, certify and authenticate unilateral acts, deeds and testamentary dispositions of their countrymen, and also contracts to which a countryman is a party. They may draw up, attest, certify and authenticate written instruments of any kind purporting to express or embody the conveyance or encumbrance of property of any kind within the territory of the State by which such officers are appointed, and unilateral acts, deeds, testamentary dispositions and contracts relating to property situated, or business to be transacted within, the territory of the State by which they are appointed, embracing unilateral acts, deeds, testamentary dispositions or agreements executed solely by nationals of the State within which such officers exercise their functions.

Instruments and documents thus executed and copies and translations thereof, when duly authenticated under his official seal by the consular officer shall be received as evidence in the territories of the contracting parties as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn by and executed before a notary or other public officer duly authorized in the country by which the consular officer was appointed; provided, always, that such documents shall have been drawn and executed in conformity to the laws and regulations of the country where they are designed to take effect.

#### ARTICLE XXV

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, providing the vessels and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided the local laws so permit.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except insofar as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed to render assistance as an interpreter or agent.

## ARTICLE XXVI

In case of the death of a national of either High Contracting Party in the territory of the other without having in the locality of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the State of which the deceased was a national of the fact of his death, in order that necessary information may be forwarded to the parties interested.

In case of the death of a national of either of the High Contracting Parties without will or testament, in the territory of the other High Contracting Party, the consular officer of the State of which the deceased was a national and within whose district the deceased made his home at the time of death, shall, so far as the laws of the country permit and pending the appointment of an administrator and until letters of administration have been granted, be deemed qualified to take charge of the property left by the decedent for the preservation and protection of the same. Such consular officer shall have the right to be appointed as administrator within the discretion of a tribunal or other agency controlling the administration of estates provided the laws of the place where the estate is administered so permit.

In case of the death of a national of either of the High Contracting Parties without will or testament and without any known heirs resident in the country of his decease, the consular officer of the country of which the deceased was a national shall be appointed administrator of the estate of the deceased, provided the regulations of his own Government permit such appointment and provided such appointment is not in conflict with local law and the tribunal having jurisdiction has no special reasons for appointing someone else.

Whenever a consular officer accepts the office of administrator of the estate of a deceased countryman, he subjects himself as such to the jurisdiction of the tribunal or other agency making the appointment for all necessary purposes to the same extent as a national of the country where he was appointed.

## ARTICLE XXVII

Each of the High Contracting Parties agrees to permit the entry free of all duty and without examination of any kind, of all furniture, equipment and supplies intended for official use in the consular offices of the other, and to extend to such consular officers of the other and their families and suites as are its nationals, the privilege of entry free of duty of their baggage and all other personal property, whether accompanying the officer to his post or imported at any time during his incumbency thereof; provided, nevertheless, that no article, the importation of which is prohibited by the law of either of the High Contracting Parties, may be brought into its territory.

It is understood, however, that this privilege shall not be extended to consular officers who are engaged in any private occupation for gain in the countries to which they are accredited, save with respect to governmental supplies.

## ARTICLE XXVIII

All proceedings relative to the salvage of vessels of either High Contracting Party wrecked upon the coasts of the other shall be directed by the Consular Officer of the country to which the vessel belongs and within whose district the wreck may have occurred. Pending the arrival of such officer, who shall be immediately informed of the occurrence, the local authorities shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such

as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

## ARTICLE XXIX

A consular officer of either High Contracting Party may in behalf of his non-resident countrymen, and without being required to produce his authorization, collect and receipt for their distributive shares derived from estates in process of probate or accruing under the provisions of so-called Workmen's Compensation Laws or other like statutes provided he remit any funds so received through the appropriate agencies of his Government to the proper distributees, and provided further that he furnish to the authority or agency making distribution through him reasonable evidence of such remission.

## ARTICLE XXX

A consular officer of either High Contracting Party shall have the right to inspect within the ports of the other High Contracting Party within his consular district, the private vessels of any flag destined or about to clear for ports of the country appointing him in order to observe the sanitary conditions and measures taken on board such vessels, and to be enabled thereby to execute intelligently bills of health and other documents required by the laws of his country, and to inform his Government concerning the extent to which its sanitary regulations have been observed at ports of departure by vessels destined to its ports, with a view to facilitating entry of such vessels therein; provided however, that in respect of vessels of any country other than the High Contracting Parties, the Government concerned does not object.

## ARTICLE XXXI

Except as otherwise provided in this treaty, the provisions thereof shall apply to all territories under the sovereignty and authority of each of the High Contracting Parties. It is understood, however, that they shall not apply to the Panama Canal Zone.

## ARTICLE XXXII

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Washington. The Treaty shall take effect in all its provisions thirty days from the date of the exchange of ratifications and shall remain in full force for the term of one year thereafter.

If within six months before the expiration of the aforesaid period of one year neither High Contracting Party notifies to the other an intention of modifying by change or omission, any of the provisions of any of the Articles in this Treaty or of terminating it upon the expiration of the aforesaid period, the Treaty shall remain in full force and effect indefinitely after the aforesaid period subject always to termination on a notice of six months.

In witness whereof the respective Plenipotentiaries have signed this Treaty and have affixed their seals thereto.

Done in duplicate, each in the English and Finnish languages both authentic, at Washington, D. C., this thirteenth day of February, one thousand nine hundred and thirty-four.

[SEAL]

[SEAL]

CORDELL HULL  
L. ASTRÖM

## PROTOCOL

At the moment of signing the Treaty of Friendship, Commerce and Consular Rights between the United States of America and the Republic of Finland, the undersigned Plenipotentiaries duly authorized by their respective Governments have agreed as follows:

1) Wherever the term "consular officer" is used in this Treaty it shall be understood to mean Consuls General, Consuls, Vice Consuls and Consular Agents to whom an exequatur or other document of recognition has been issued pursuant to the provisions of paragraph 3 of Article XIX, provided however that the customs courtesies accorded to consular officers under Article XXVII shall apply to consular officers en route to their post for the first time, prior to the receipt of an exequatur.



2) Upon entering into force of the accompanying Treaty of Friendship, Commerce, and Consular Rights, the Agreement effected by exchange of notes between the United States and Finland, signed at Washington, D.C., on May 2, 1925, and also the Agreement effected by exchange of notes between the United States and Finland, signed at Washington, D.C., on December 21, 1925, shall cease to be operative.

In faith whereof the undersigned Plenipotentiaries have signed the present Protocol and affixed thereto their respective seals.

Done in duplicate each in the English and Finnish languages, both authentic, at Washington, D. C., the thirteenth day of February, 1934.

[SEAL]

CORDELL HULL  
L. ASTRÖM

Mr. BORAH. Mr. President, is this the usual treaty of friendship?

Mr. PITTMAN. Yes; it is the usual treaty of friendship. There is no difference in the form.

The VICE PRESIDENT. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification will be read.

The resolution of ratification was read, as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive D (73d Cong., 2d sess.), a treaty of friendship, commerce, and consular rights between the United States and the Republic of Finland, signed at Washington, February 13, 1934.*

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to and the treaty is ratified.

#### ANTIWAR TREATY OF NONAGGRESSION AND CONCILIATION

Mr. PITTMAN. Mr. President, I ask that Executive H (73d Cong., 2d sess.) be next considered.

The Senate, as in Committee of the Whole, proceeded to consider Executive H (73d Cong., 2d sess.), antiwar treaty of nonaggression and conciliation, signed at Rio de Janeiro on October 10, 1933, by Argentina, Brazil, Chile, Mexico, Paraguay, and Uruguay, which was read the second time, as follows:

#### ANTI-WAR TREATY ON NON-AGGRESSION AND CONCILIATION

The states designated below, in the desire to contribute to the consolidation of peace, and to express their adherence to the efforts made by all civilized nations to promote the spirit of universal harmony;

To the end of condemning wars of aggression and territorial acquisitions that may be obtained by armed conquest, making them impossible and establishing their invalidity through the positive provisions of this treaty, and in order to replace them with pacific solutions based on lofty concepts of justice and equity;

Convinced that one of the most effective means of assuring the moral and material benefits which peace offers to the world, is the organization of a permanent system of conciliation for international disputes, to be applied immediately on the violation of the principles mentioned;

Have decided to put these aims of non-aggression and concord in conventional form, by concluding the present treaty, to which end they have appointed the undersigned plenipotentiaries, who, having exhibited their respective full powers, found to be in good and due form, have agreed upon the following:

#### ARTICLE I

The High Contracting Parties solemnly declare that they condemn wars of aggression in their mutual relations or those with other states, and that the settlement of disputes or controversies of any kind that may arise among them shall be effected only by the pacific means which have the sanction of international law.

#### ARTICLE II

They declare that as between the High Contracting Parties, territorial questions must not be settled by violence, and that they will not recognize any territorial arrangement which is not obtained by pacific means, nor the validity of the occupation or acquisition of territories that may be brought about by force of arms.

#### ARTICLE III

In case of non-compliance by any state engaged in a dispute, with the obligations contained in the foregoing articles, the contracting states undertake to make every effort for the maintenance of peace. To that end they will adopt in their character as neutrals a common and solidary attitude; they will exercise the political, juridical or economic means authorized by international law; they will bring the influence of public opinion to bear but will in no case resort to intervention either diplomatic or armed; subject to the attitude that may be incumbent on them by virtue of other collective treaties to which such states are signatories.

#### ARTICLE IV

The High Contracting Parties obligate themselves to submit to the conciliation procedure established by this treaty, the disputes specially mentioned and any others that may arise in their reciprocal relations, without further limitations than those enumerated in the following article, in all controversies which it has not been possible to settle by diplomatic means within a reasonable period of time.

#### ARTICLE V

The High Contracting Parties and the states which may in the future adhere to this treaty, may not formulate at the time of signature, ratification or adherence, other limitations to the conciliation procedure than those which are indicated below:

(a) Differences for the solution of which treaties, conventions, pacts or pacific agreements of any kind whatever may have been concluded, which in no case shall be considered as annulled by this agreement, but supplemented thereby in so far as they tend to assure peace; as well as the questions or matters settled by previous treaties;

(b) Disputes which the parties prefer to solve by direct settlement or submit by common agreement to an arbitral or judicial solution;

(c) Questions which international law leaves to the exclusive competence of each state, under its constitutional system, for which reason the parties may object to their being submitted to the conciliation procedure before the national or local jurisdiction has decided definitively; except in the case of manifest denial or delay of justice, in which case the conciliation procedure shall be initiated within a year at the latest;

(d) Matters which affect constitutional precepts of the parties to the controversy. In case of doubt, each party shall obtain the reasoned opinion of its respective tribunal or supreme court of justice, if the latter should be invested with such powers.

The High Contracting Parties may communicate, at any time and in the manner provided for by Article XV, an instrument stating that they have abandoned wholly or in part the limitations established by them in the conciliation procedure.

The effect of the limitations formulated by one of the contracting parties shall be that the other parties shall not consider themselves obligated in regard to that party save in the measure of the exceptions established.

#### ARTICLE VI

In the absence of a permanent Conciliation Commission or of some other international organization charged with this mission by virtue of previous treaties in effect, the High Contracting Parties undertake to submit their differences to the examination and investigation of a Conciliation Commission which shall be formed as follows, unless there is an agreement to the contrary of the parties in each case;

The Conciliation Commission shall consist of five members. Each party to the controversy shall designate a member who

may be chosen by it from among its own nationals. The three remaining members shall be designated by common agreement by the parties from among the nationals of third Powers, who must be of different nationalities, must not have their customary residence in the territory of the interested parties nor be in the service of any of them. The parties shall choose the President of the Conciliation Commission from among the said three members.

If they cannot arrive at an agreement with regard to such designations, they may entrust the selection thereof to a third Power or to some other existing international organism. If the candidates so designated are rejected by the parties or by any one of them, each party shall present a list of candidates equal in number to that of the members to be selected, and the names of those to sit on the Conciliation Commission shall be determined by lot.

## ARTICLE VII

The tribunals or supreme courts of justice which, in accordance with the domestic legislation of each State, may be competent to interpret, in the last or the sole instance and in matters under their respective jurisdiction, the Constitution, treaties, or the general principles of the law of nations, may be designated preferentially by the High Contracting Parties to discharge the duties entrusted by the present treaty to the Conciliation Commission. In this case the Tribunal or Court may be constituted by the whole bench or may designate some of its members to proceed alone or by forming a mixed commission with members of other courts or tribunals, as may be agreed upon by common accord between the parties to the dispute.

## ARTICLE VIII

The Conciliation Commission shall establish its own rules of procedure, which shall provide in all cases for hearing both sides.

The parties to the controversy may furnish and the commission may require from them all the antecedents and information necessary. The parties may have themselves represented by delegates and assisted by advisers or experts, and also present evidence of all kinds.

## ARTICLE IX

The labors and deliberations of the Conciliation Commission shall not be made public except by a decision of its own to that effect, with the assent of the parties.

In the absence of any stipulations to the contrary, the decisions of the commission shall be made by a majority vote, but the commission may not pronounce judgment on the substance of the case except in the presence of all its members.

## ARTICLE X

It is the duty of the Commission to secure the conciliatory settlement of the disputes submitted to its consideration.

After an impartial study of the questions in dispute, it shall set forth in a report the outcome of its work and shall propose to the Parties bases of settlement by means of a just and equitable solution.

The report of the Commission shall in no case have the character of a final decision or arbitral award either with respect to the exposition or the interpretation of the facts, or with regard to the considerations or conclusions of law.

## ARTICLE XI

The Conciliation Commission must present its report within one year counting from its first meeting unless the parties should decide by common agreement to shorten or extend this period.

The conciliation procedure having been once begun may be interrupted only by a direct settlement between the parties or by their subsequent decision to submit the dispute by common accord to arbitration or to international justice.

## ARTICLE XII

In communicating its report to the parties, the Conciliation Commission shall fix for them a period which shall not exceed six months, within which they must decide as to the bases of the settlement it has proposed. On the expiration of this term, the Commission shall record in a final act the decision of the parties.

This period having expired without acceptance of the settlement by the parties, or the adoption by common accord

of another friendly solution, the parties to the dispute shall regain their freedom of action to proceed as they may see fit within the limitations flowing from Articles I and II of this treaty.

## ARTICLE XIII

From the initiation of the conciliatory procedure until the expiration of the period fixed by the Commission for the parties to make a decision, they must abstain from any measure prejudicial to the execution of the agreement that may be proposed by the Commission and, in general, from any act capable of aggravating or prolonging the controversy.

## ARTICLE XIV

During the conciliation procedure the members of the Commission shall receive honoraria the amount of which shall be established by common agreement by the parties to the controversy. Each of them shall bear its own expenses, and a moiety of the joint expenses or honoraria.

## ARTICLE XV

The present treaty shall be ratified by the High Contracting Parties as soon as possible, in accordance with their respective constitutional procedures.

The original treaty and the instruments of ratification shall be deposited in the Ministry of Foreign Relations and Worship, of the Argentine Republic, which shall communicate the ratifications to the other signatory states. The treaty shall go into effect between the High Contracting Parties 30 days after the deposit of the respective ratifications, and in the order in which they are effected.

## ARTICLE XVI

This treaty shall remain open to the adherence of all states.

Adherence shall be effected by the deposit of the respective instrument in the Ministry of Foreign Relations and Worship of the Argentine Republic, which shall give notice thereof to the other interested states.

## ARTICLE XVII

The present treaty is concluded for an indefinite time, but may be denounced by one year's notice, on the expiration of which the effects thereof shall cease for the denouncing state, and remain in force for the other states which are parties thereto, by signature or adherence.

The denunciation shall be addressed to the Ministry of Foreign Relations and Worship, of the Argentine Republic, which shall transmit it to the other interested states.

In witness whereof, the respective plenipotentiaries sign the present treaty in one copy, in the Spanish and Portuguese languages, and affix their seals thereto at Rio de Janeiro, D. F., on the tenth day of the month of October one thousand nine hundred thirty and three.

For the Argentine Republic:

(L.S.) CARLOS SAAVEDRA LAMAS,  
*Minister of Foreign Relations and Worship.*

For the Republic of the United States of Brazil:

(L.S.) AFRANIO DE MELLO FRANCO,  
*Minister of Foreign Relations.*

For the Republic of Chile: with the reservations under letters a, b, c, and d of Article V:

(L.S.) MARCIAL MARTINEZ DE FERRARI,  
*Ambassador Extraordinary and Plenipotentiary  
at Rio de Janeiro.*

For the United Mexican States:

(L.S.) ALFONSO REYES,  
*Ambassador Extraordinary and Plenipotentiary  
at Rio de Janeiro.*

For the Republic of Paraguay:

(L.S.) ROGELIO IBARRA,  
*Envoy Extraordinary and Minister  
Plenipotentiary at Rio de Janeiro.*

For the Oriental Republic of Uruguay:

(L.S.) JUAN CARLOS BLANCO,  
*Ambassador Extraordinary and Plenipotentiary  
at Rio de Janeiro.*

A true copy.

(Signature illegible)

*Director General for the Ministry of Foreign Relations.*

[Seal of the Ministry of Foreign Relations and Worship Argentine Republic]



There being no objection, the Senate as in Committee of the Whole proceeded to consider the treaty, which had been reported from the Committee on Foreign Relations with a reservation to the resolution of ratification.

Mr. BORAH. Mr. President, this is the nonaggression treaty which was signed at Montevideo. I understand the treaty does not undertake to define aggression?

Mr. PITTMAN. It does not. There is only one important paragraph in the treaty and that is article V, which reads as follows:

Article V. The high contracting parties and the States which may in the future adhere to this treaty may not formulate at the time of signature, ratification, or adherence, other limitations to the conciliation procedure than those which are indicated below.

Those limitations are as follows:

(a) Differences for the solution of which treaties, conventions, pacts, or pacific agreements of any kind whatever may have been concluded, which in no case shall be considered as annulled by this agreement, but supplemented thereby insofar as they tend to assure peace; as well as the questions or matters settled by previous treaties.

(b) Disputes which the parties prefer to solve by direct settlement or submit by common agreement to an arbitral or judicial solution.

(c) Questions which international law leaves to the exclusive competence of each State, under its constitutional system, for which reason the parties may object to their being submitted to the conciliation procedure before the national or local jurisdiction has decided definitively; except in the case of manifest denial or delay of justice, in which case the conciliation procedure shall be initiated within a year at the latest.

(d) Matters which affect constitutional precepts of the parties to the controversy. In case of doubt, each party shall obtain the reasoned opinion of its respective tribunal or supreme court of justice, if the latter should be invested with such powers.

Those are the exceptions.

Mr. BORAH. I think article II is a very important provision. In that article it is declared that—

As between the high contracting parties, territorial questions must not be settled by violence, and that they will not recognize any territorial arrangement which is not obtained by pacific means, nor the validity of the occupation or acquisition of territories that may be brought about by force of arms.

Mr. PITTMAN. That is a reiteration, as I understand, of the Kellogg-Briand pact.

Mr. BORAH. It seems to me an important provision of the treaty.

Mr. PITTMAN. Aside from that provision, the treaty prescribes the method of settlement. Each party desiring to submit the question in dispute shall appoint a representative. Those two shall select three nationals from other countries, and those whom they select must not be resident of either one of the disputant countries. If they cannot agree on the three, then each one of the representatives of the disputing countries select three names, making six in all, and out of the six by lot three are selected. It is also provided that supreme courts of the respective countries shall have arbitral power; the matter may be submitted to those courts.

The VICE PRESIDENT. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification, with the reservation reported by the committee, will be read.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the adherence by the United States to Executive H (73d Cong., 2d sess.), the Antiwar Treaty of Nonaggression and Conciliation, signed at Rio de Janeiro on October 10, 1933, by Argentina, Brazil, Chile, Mexico, Paraguay, and Uruguay, in accordance with article 16 thereof, but subject to a reservation as follows:*

*"In adhering to this treaty the United States does not thereby waive any rights it may have under other treaties or conventions or under international law."*

The VICE PRESIDENT. The question is on agreeing to the reservation to the resolution of ratification.

The reservation was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended by the reservation. [Putting the question.] Two-thirds of the Senators present

concurring therein, the resolution of ratification, as amended by the reservation, is agreed to, and the treaty is ratified.

#### PROTOCOL TO GENERAL CONVENTION OF INTER-AMERICAN CONCILIATION

Mr. PITTMAN. Mr. President, I now ask that Executive N, Seventy-third Congress, second session, be considered.

The Senate, as in Committee of the Whole, proceeded to consider Executive N (73d Cong., 2d sess), an additional protocol to the General Convention of Inter-American Conciliation which was signed at Washington on January 5, 1929; the additional protocol was signed at Montevideo, Uruguay, December 26, 1933, by plenipotentiaries of the United States of America, Uruguay, Ecuador, and Chile to the seventh international conference of American states held at that capital, which was read the second time, as follows:

The high contracting parties of the General Convention of Inter-American Conciliation of the 5th of January 1929, convinced of the undeniable advantage of giving a permanent character to the Commissions of Investigation and Conciliation to which article 2 of said convention refers, agree to add to the aforementioned convention the following and additional protocol.

#### ARTICLE 1

Each country signatory to the treaty signed in Santiago, Chile, the 3d of May 1923 shall name, as soon as possible, by means of a bilateral agreement which shall be recorded in a simple exchange of notes with each one of the other signatories of the aforementioned treaty, those members of the various commissions provided for in article 4 of said treaty. The commissions so named shall have a permanent character and shall be called "Commissions of Investigation and Conciliation."

#### ARTICLE 2

Any of the contracting parties may replace the members which have been designated, whether they be nationals or foreigners; but, at the same time, the substitute shall be named. In case the substitution is not made, the replacement shall not be effective.

#### ARTICLE 3

The commissions organized in fulfillment of article 3 of the aforementioned treaty of Santiago, Chile, shall be called "Permanent Diplomatic Commissions of Investigation and Conciliation."

#### ARTICLE 4

To secure the immediate organization of the commissions mentioned in the first article hereof, the high contracting parties engage themselves to notify the Pan American Union at the time of the deposit of the ratification of the present additional protocol in the Ministry of Foreign Relations of the Republic of Chile, the names of the two members whose designation they are empowered to make by article 4 of the convention of Santiago, Chile, and said members, so named, shall constitute the members of the commissions which are to be organized with bilateral character in accordance with this protocol.

#### ARTICLE 5

It shall be left to the governing board of the Pan American Union to initiate measures for bringing about the nomination of the fifth member of each Commission of Investigation and Conciliation in accordance with the stipulation established in article 4 of the Convention of Santiago, Chile.

#### ARTICLE 6

In view of the character which this protocol has as an addition to the Convention of Conciliation of Washington, of January 5, 1929, the provision of article 16 of said convention shall be applied thereto.

In witness whereof, the plenipotentiaries hereinafter indicated have set their hands and their seals to this additional protocol in English, and Spanish, in the city of Montevideo, Republic of Uruguay, this 26th day of the month of December in the year 1933.

United States of America:

ALEXANDER W. WEDDELL

J. BUTLER WRIGHT

## Uruguay:

A. MAÑÉ  
 JOSÉ PEDRO VARELA  
 MATEO MARQUES CASTRO  
 DARDO REGULES  
 SOFIA ALVAREZ VIGNOLI DE DEMICHELI  
 TEÓFILO PIÑEYRO CHAIN  
 LUIS A. DE HERRERA  
 MARTIN R. ECHEGOYEN  
 JOSÉ G. ANTUÑA  
 J. C. BLANCO  
 PEDRO MANINI RIOS  
 RODOLFO MEZZERA  
 OCTAVIO MORATÓ  
 LUIS MORQUIO  
 JOSÉ SERRATO

## Ecuador:

A. AGUIRRE APARICIO  
 ARTURO SCARONE

## Chile:

J. RAMÓN GUTIÉRREZ  
 F. FIGUEROA  
 B. COHEN

The VICE PRESIDENT. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification will be read.

The resolution of ratification was read, as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive N (73d Cong., 2d sess.), an additional protocol to the General Convention of Inter-American Conciliation, which was signed at Washington on January 5, 1929. The additional protocol was signed at Montevideo, Uruguay, December 26, 1933, by plenipotentiaries of the United States of America, Uruguay, Ecuador, and Chile to the Seventh International Conference of American States held at that capital.*

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution of ratification is agreed to, and the treaty is ratified.

## CONVENTION WITH MEXICO PROVIDING FOR EN BLOC SETTLEMENT OF CLAIMS

Mr. PITTMAN. Mr. President, I ask to have Executive I, Seventy-third Congress, second session, considered.

The Senate as in Committee of the Whole proceeded to consider Executive I (73d Cong., 2d sess.), a convention between the United States of America and the United Mexican States, signed at Mexico City on April 24, 1934, providing for the en bloc settlement of the claims presented by the Government of the United States to the Commission established by the Special Claims Convention concluded September 10, 1923, instead of by international adjudication in each case as provided in that convention; which was read the second time, as follows:

The United States of America and the United Mexican States, desiring to settle and adjust amicably the claims comprehended by the terms of the Special Claims Convention concluded by the two Governments on the 10th day of September 1923, without resort to the method of international adjudication provided by the said agreement, have decided to enter into a convention for that purpose, and to this end have nominated as their plenipotentiaries—

The President of the United States;

The Honorable Josephus Daniels, Ambassador Extraordinary and Plenipotentiary of the United States of America in Mexico;

The President of the United Mexican States; and

The Honorable José Manuel Puig Casauranc, Secretary of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon the following articles:

## ARTICLE I

The claims of the United States of America covered by the Special Claims Convention of September 10, 1923, shall be adjusted, settled, and forever thereafter barred from further consideration, by the payment by the Government of Mexico to the Government of the United States a sum of money which shall equal the same proportion of the total amount claimed by the United States in all such cases (after the deductions provided for in article IV hereof), as the proportion represented—in respect to the total sum claimed by the Governments of Belgium, France, Germany, Great Britain, Italy, and Spain—by the total amount found to be due from the Mexican Government in the settlement of similar claims and under the conventions concluded with those Governments by the Government of Mexico during the years from September 25, 1924, to December 5, 1930.

To determine said general average percentage resulting from the settlements with said countries for similar claims, the classic arithmetical procedure shall be used; that is to say, the total amount awarded to Belgium, France, Germany, Great Britain, Italy, and Spain shall be multiplied by 100 and the product shall be divided by the total amount claimed by said countries.

Having thus determined the general average percentage, in order to ascertain the amount that Mexico should pay to the United States, said percentage shall be multiplied by the total amount claimed by the United States (after the deductions provided for in article IV of this convention) and the resulting products shall be divided by 100.

## ARTICLE II

The amount provided for in article I above shall be paid at Washington, in dollars of the United States, at the rate of \$500,000 per annum, beginning January 1, 1935, and continuing until the whole amount thereof shall have been paid.

## ARTICLE III

Deferred payments, by which term is meant all payments made after January 2, 1935, shall bear interest at the rate of one fourth of 1 percent per annum for the first year counting from January 1, 1935, and an additional one fourth of 1 percent for each additional year until the maximum of 1 percent is reached which shall be applied beginning January 1, 1939. In the event of failure to make annual payments when due, however, this rate shall be increased at the rate of one fourth of 1 percent per annum on the amount of deferred payments during the period of any such delay until a maximum additional rate of 3 percent on such overdue amounts is reached.

## ARTICLE IV

In computing the total amount of claims mentioned in article I above, there shall be deducted from the total amount of all special claims filed by the United States under the terms of the Special Claims Convention of September 10, 1923, the following items:

First. Claims decided.

Second. One half of the amount represented by the total claimed in all cases in which the same claim has been filed twice, either for the same or for different amounts, with the Special Claims Commission.

Third. From the claims registered for the same reason with both Commissions, there shall be deducted the total amount of all claims that in fact or apparently should have registered only with the General Claims Commission established by the convention of September 8, 1923.

The determination, by the representatives of both Governments referred to in article V of this convention, of claims that ought to be withdrawn from the Special Commission because in fact or apparently they should have been registered only with the General Commission for presentation and adjudication, does not prejudice the jurisdiction in and validity of said claims, which shall be determined in each case when examined and adjudicated by the commissioners or umpire in accordance with the provisions of the General Claims Convention of September 8, 1923, and the protocol of April 24, 1934, or the Special Claims Convention of September 10, 1923, and the protocol of June 18,



1932, in the event it shall be found by the commissioners or umpire to have been improperly eliminated from the Special Claims settlement. In the latter event, the claims improperly eliminated in the opinion of the commissioners or umpire shall be settled and adjusted by the same en bloc procedure prescribed by this convention for all claims registered with the Special Commission.

## ARTICLE V

The total amount of the special claims of the United States, as well as the deductions to be made therefrom, in accordance with article IV above, and the proportionate amount thereof to be paid in accordance with article I above, shall be determined by a joint committee consisting of two members, one to be appointed by each Government, whose joint report, after due conference and consideration, shall be accepted as final.

## ARTICLE VI

It is agreed that, for the purpose of facilitating a proper distribution by the United States to the respective claimants of the amount to be paid as provided for herein, the Mexican Government shall deliver to the United States, upon request, all evidence in its possession bearing upon the merits of particular claims and to procure, at the cost of the United States, such additional evidence as may be available in Mexico and as may be indicated by the Government of the United States to be necessary to the proper adjudication of particular claims, leaving to the judgment of the Mexican Government the furnishing of originals or certified copies thereof and with the specific reservation that no documents shall be delivered which owing to their nature cannot be furnished by said Government.

## ARTICLE VII

The present convention shall be ratified by the high contracting parties in accordance with their respective constitutions, such ratifications being exchanged in Mexico City as soon as practicable and the convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective plenipotentiaries have signed and affixed their seals to this convention.

Done in duplicate, in English and Spanish, at Mexico City this 24th day of April 1934.

JOSEPHUS DANIELS [SEAL]  
PUIG [SEAL]

Mr. KING. Mr. President, may I inquire of the chairman of the committee the terms of the treaty, and if this is a treaty which ostensibly provides for compensation to American nationals for the great wrongs which have been done them in the destruction of life and in the destruction of property by Mexico and by Mexican nationals?

Mr. PITTMAN. That is exactly it. As the Senator well knows, there are two kinds of claims which have been dealt with by two special commissions. One was called the "General Claims Commission", dealing with all character of claims which have arisen during the period since about 1860. The other claims were special ones arising out of revolutions in Mexico. The treaty, so far as those claims are concerned, deals with the period from 1910 to date.

I think probably it would be better, as this is a very important matter, that I have read a communication from our Ambassador to Mexico, Mr. Daniels. I ask that it be read.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

WASHINGTON, D.C., May 26, 1934.

MY DEAR SENATOR PITTMAN: In compliance with the request which you made of me at yesterday's meeting of your committee to consider the pending convention with Mexico providing for an en bloc settlement of the special claims of citizens of the United States against Mexico, I take pleasure in furnishing you the following expression of my reasons for advocating the approval of this Convention which, by direction of the President, I had the honor of signing with the Mexican Minister for Foreign Affairs at Mexico City on April 24, 1934.

I understand that what you desire me to embody in this letter is not a detailed explanation of the provisions of the Convention, as their meaning and intent would appear to have been made sufficiently clear in the report of the Secretary of State of May 5, 1934, which accompanied the President's message of the same date transmitting the Convention to the Senate, and which is printed in Executive I, Seventy-third Congress, second session. You wish, rather, I take it, that I summarize informally in writing the statements which I made before your committee.

First of all, consideration should be given to the fact that all the claims dealt with in this Convention originated between the years 1910 and 1920—that is to say, in the tragic years following the departure of Diaz from the country—until the Mexicans began to emerge from a succession of revolutions which sorely rent that country. The truth is that between these years Mexico had no government able to enforce protection in all parts of the bleeding Republic. With the terrible days following the death of President Madero and Vice President Suarez, it will be recalled that President Taft advised Americans residing in Mexico to return to the United States. Upon his becoming fully acquainted with the inability of the Mexican usurping President to offer the semblance of protection, President Wilson gave the same counsel. He provided the means for the safe return of American citizens to escape the danger to which they and others were exposed. When finally, after the A.B.C. Conference, Carranza was recognized, the continual warfare of Villa in the northern part of Mexico and of Zapata in another sector and roving bands of other men withholding allegiance from Carranza, the conditions were beyond the control of the recognized authorities. During these trying 10 years many lives were lost and much property destroyed belonging to Americans and Europeans as well as of Mexicans who were objectionable to some men under arms.

Upon the restoration of a responsible government, having behind it the will of the majority of the people, it was felt in Mexico that the killings and destruction of property were mainly by irresponsible hands or parties not responsible to government control. The United States pressed for the recognition and payment of the claims of our nationals which arose during the tragic 10 years. There seemed to be an impasse. For 3 years the United States refused to recognize the Mexican Government of President Obregon who had been put in office by the National Revolutionary Party. Mexico earnestly desired recognition by the United States. This was withheld until after the Payne-Warren Commission reached agreements with Mexico by which the Mexican Government pledged itself to submit all claims originating between 1910 and 1920 to a Special Claims Commission and all other claims to a General Claims Commission. These Commissions, composed of a Mexican, an American, and a representative of a neutral country, with changing personnel, held sessions a portion of the time after the Convention of September 1923. The result of these hearings has been disappointing in the extreme. The cases decided have been few. The cost of these Commissions to the United States has been in round figures, \$1,900,000.

Upon my appointment as Ambassador to Mexico, I began a study here in Washington of the questions which would demand my attention in Mexico. The first concerned the settlement of the pending claims. Within a brief period I reached the conclusion that the hearings had been so long drawn out and seemed so interminable that the matter might properly be called the modern case of *Jarndyce v. Jarndyce*.

I suggested to the Secretary of State that a less expensive and more expeditious method of adjustment should be sought.

About that time I had a call from the Honorable Gonzalez Roa, Ambassador from Mexico to the United States, who presented a message from the Honorable José Manuel Puig Casauranc, Minister of Foreign Relations of Mexico, asking him to take up with me the question of an en bloc settlement. The Minister for Foreign Affairs wired that upon my arrival in Mexico City he would like at once to



enter into negotiations looking to such settlement. During the more than a year that has elapsed during my mission in Mexico, my time has been largely occupied with discussions and conferences relating to the settlement of these claims. The Mexican Government took the ground that a fair precedent for settlement could be found in the percentage agreed upon by Mexico and the United States in the settlements under the conventions of 1839 and 1868. That percentage was 1.25. This view was not acceptable to our Government.

Later, after Mexico had reached settlements with all the European countries for like claims originating within the same period, it was ascertained that the average percentage of recovery between Mexico and these European countries was about 2.65. The Mexican Government proposed that a similar settlement be made for like claims between that country and the United States. Inasmuch as our country and Mexico are the nearest neighbors, it seems to me that we could not insist upon receiving a larger percentage for our claims than the European countries had accepted. I therefore recommended acceptance to the Secretary of State. He approved. By direction of the President, I signed the Convention on the 24th day of April 1934, with the Honorable José Manuel Puig Casauranc, Minister of Foreign Affairs, who was thereunto authorized by the President of Mexico. The carrying out of the Convention awaits the approval of the Senates of the United States and Mexico. The Senate of that country convenes in September, and I do not think there is any doubt it will ratify the Convention if the Senate of the United States votes ratification at this session of Congress.

Already, in anticipation of favorable action, I have caused officials of the Embassy to take up with officials of the Foreign Office the study, for the benefit of the Joint Commissioners provided for in article 5 of the Convention, of the question of just division of those claims which have been filed by American claimants with both Commissions. We also hope by September, for the information of the Commissioners, to make a definite computation of the total amount of the special claims, and an accurate computation of the specific percentage of liability to be applied. Therefore, if our Senate ratifies the Convention at this session, it will make possible the payment of the first \$500,000 by January 1, as contemplated under the terms of the Convention, with like yearly payments of \$500,000 each year until the full amount, estimated at around \$7,000,000, is paid.

If it be suggested that the percentage is small, the answer is that many of the claims are, as in most claims, both national and international, larger than can be established by evidence. Some of these claims are of doubtful validity—others are so clearly just that those claimants should not longer be denied such payment as will give them real money during their natural lives. Further delay will in all probability deny them any compensation in time to meet their present needs.

The acceptance of the percentage for all the claims, valid or unsustainable, does not at all mean that all claimants will receive the same percentage. By no means. The sum received will be distributed to claimants by a domestic commission or other domestic agency on the basis of the merit of the claims. Those lacking merit will be eliminated by the United States officials charged with the task while the just claims will be promptly awarded the just amount found to be due. It is believed that when the money to be paid by Mexico is properly distributed in this manner each claimant will be fairly dealt with.

Furthermore, these claims are but one of several very important problems which exist in our present-day relations with Mexico. By accepting this settlement, which to my mind is entirely equitable, we would, I firmly believe, go a long way toward demonstrating our friendly and neighborly disposition and thus foster a spirit of cooperation which should help materially to further a solution of other important questions.

In support of the opinion that the proposed basis of settlement is eminently fair to the interested American claimants are the following additional facts:

First. This percentage of liability is to be computed on the basis of all the claims filed, regardless of class or quality, excepting only those cases already decided, and, therefore, while the percentage of liability agreed to be paid by Mexico is comparatively small, it represents, as a matter of fact, what is estimated to be the full value of the meritorious claims.

Second. The percentage of liability to be paid in this case, namely, about 2.65, compares very favorably with that found to be due in other adjudications. For instance, the liability found to be due the United States in the settlements of 1839 and 1868 with Mexico averaged 1.25 percent; the awards of the Spanish Treaty Claims Commission, established pursuant to the Treaty of Paris of 1898, to pass upon all claims against the Spanish Government, amounted to 0.021 percent of the amounts claimed and judgments rendered by the United States Court of Claims during the period 1920-32 amounted to approximately 0.6 percent of the amounts claimed. I have been advised that many letters have already been received by the Department of State expressing the gratification of individual claims that real progress in the settlement of their claims is now promised.

To sum up the advantages which will be brought about by the proposed arrangement, are:

1. The removal of these contentious claims from the field of international relations;
2. The systematic and definite payment by Mexico, to begin in the near future instead of being postponed indefinitely;
3. The placing of the settlement of the claims of our nationals in the hands of officials of our own country.

I am, with assurances of appreciation of the opportunity of appearing before your committee,

Sincerely yours,

JOSEPHUS DANIELS.

The Honorable KEY PITTMAN,

*United States Senate.*

Mr. PITTMAN. Mr. President, I desire to make a statement.

It will be remembered that the Special Claims Commission was created in 1923. Since that time the procedure has been exceedingly discouraging. Nothing has been settled under that Commission in a period of 11 years. The whole method of adjustment was slow and impractical. The situation looked perfectly hopeless. So, when Mr. Daniels was appointed Ambassador to Mexico, as Chairman of the Foreign Relations Committee I called his attention to the hopelessness of the attempted recovery under the Special Claims Commission, and stated that I thought it was worthy of his immediate study.

This letter indicates that the Ambassador has given a great deal of study to the question. The Ambassador appeared before the Foreign Relations Committee and made a very full and clear statement with regard to the whole matter. At my request he placed his statement in the form of a memorandum, which he has submitted and which has been read to the Senate.

These special claims against the Mexican Government amount to \$411,000,000. There is no doubt whatever that a number of the claims are bona fide. It happens that those claims are the small ones. They are the claims, for instance, where settlers have suffered direct loss that may be very simply estimated. While there are many of those, the total is not large. On the other hand, claims have been filed that are grossly exaggerated as to amount, or even as to legal liability.

For instance, one claim is based on a United States patent, which patent I believe was also allowed in Mexico, on the theory that if there had not been a revolution the man would have earned one hundred or two hundred million dollars from his patent. It is purely a question of contingency that never could be determined.

When we come to the total of \$411,000,000 claimed for damages to American citizens arising out of the revolutions commencing in 1910, we are compelled frankly to admit that many of the claims are grossly exaggerated. I happen to



know personally of some which in my opinion are placed at a figure from 10 to 15 times what anyone would consider at all reasonable.

Now, the point is this: A total of \$280,000,000 was claimed by Belgium, Germany, Italy, France, Great Britain, and Spain.

Those governments came to the conclusion that this process of bloc settlement was the most satisfactory, and they settled their claims on a basis of 2.65 percent of the total claims and are being paid their money. Those countries then adjudicated as between the claims of their own nationals.

As the Ambassador says in his letter, when we settled the claims of Mexico in 1860 and later, less than 2 percent was the figure on which we finally settled. Mexico naturally thought that that was a precedent, so far as we were concerned, but the Ambassador insisted that the present claims should be settled on the same basis as that used in the settlements with other foreign governments.

As to the amounts the legitimate claimants will get, the Secretary says that he thinks the total amount will be practically the amount actually due us. If that is the case, then the elimination of patently false claims and reduction of exaggerated claims will leave an amount for just claims, claims of those who were actually damaged to the extent claimed and whose property was destroyed, and where the damages, as I have said, can be actually ascertained, sufficient to enable them to recover a large portion of their money, if not all.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. CUTTING. I call the attention of the Senator to two sentences in the letter of Ambassador Daniels, as follows:

When finally, after the A.B.C. Conference, Carranza was recognized, the continual warfare of Villa in the northern part of Mexico and of Zapata in another sector and roving bands of other men withholding allegiance from Carranza, the conditions were beyond the control of the recognized authorities.

Further on he said:

Upon the restoration of a responsible government, having behind it the will of the majority of the people, it was felt in Mexico that the killings and destruction of property were mainly by irresponsible bands or parties not responsible to government control.

Mr. President, as the Senator is aware, the United States has always taken the opposite view in that regard, and especially concerning the depredations committed by General Villa. I have studied this matter pretty carefully, although I have not my memoranda with me, and I know that former Ambassador Morrow took the same position—namely, that under the Mexican precedents themselves there was a distinct responsibility for the actions of the Villa party in Mexico at the time of the depredations.

I hope the Senator can give me some assurance that the depredations made by the Villistas will be considered a legitimate part of the claims made in behalf of United States citizens. The Senator will remember in particular that an entire town in the State of New Mexico was wiped out by the raids of General Villa, as a consequence of which the United States sent an expeditionary force into Mexico, which, unfortunately, accomplished very meager results.

What I want to ask the Senator is whether we can be assured that those claims have not been dropped, or will not be dropped, if we shall ratify the treaty as it comes before us.

Mr. PITTMAN. Mr. President, the paragraph the Senator read from Ambassador Daniel's letter gave the viewpoint of the Mexican Government. The Ambassador still holds as our Government has held and does now hold—that the Government of Mexico had to hold itself responsible to preserve order.

As to the Villa claims, there has been an effort in other special treaties to exclude certain revolutionary claims, particularly in dealing with what we call the "general claims." But in making up the total of the claims, which amounts to \$411,000,000, the Villa claims and all other claims are taken

into account. The burden is thrown on our own Government to determine as to what claims are legitimate and what are not legitimate. Therefore those who suffered from the Villa raids will have exactly the same opportunity as will those who suffered in other raids.

I do not think we can do anything else now, in view of what other governments have done, than to try this matter out.

Mr. BORAH. Mr. President, I agree with the statement made by the Chairman of the Committee on Foreign Relations, that in view of the settlements which have been made between Mexico and Great Britain and other countries, we will have to take this settlement, in all probability, or we will get no settlement at all. I do think, however, that in all likelihood the result of this treaty will be that some of the claims, such as the Villa claims, will be eliminated; perhaps not entirely; they may be considered in part, but, in view of the attitude which Mexico takes, it is likely that, generally speaking, they will be eliminated. Nevertheless, Great Britain and the other countries having settled with Mexico, we are in a position where we cannot hope to secure better treatment than that which they have secured.

Mr. CUTTING. Mr. President, I do not desire to make any argument against the ratification of the treaty; I think there is a great deal to be said for it. The difficulty is, of course, that the Mexican Government is totally unable to pay anything but a small fraction of what we consider our just claims. I have every sympathy with the magnificent efforts being made by the present government in Mexico to restore order and to educate the people of their great country, and to raise them to a condition of prosperity such as they have never enjoyed in the past. I think they are doing a wonderful work along those lines, and certainly nothing we should do ought to be allowed to interfere with what they are doing.

Nevertheless, I hardly think it is fair to compare our claims against Mexico with those of Great Britain or of other countries. There is no other country which has been invaded by the bands of Mexican leaders as the United States has been.

I must say that the statement of the Senator from Idaho has given me a certain amount of apprehension lest the Government, in assessing the proportion to the different claimants, should place the Villista claims in a lesser category than those of other claimants. I simply want to make my own position clear, that I am confident that the Government will adopt the attitude announced by the Senator from Nevada [Mr. PITTMAN], Chairman of the Committee on Foreign Relations, and will give claims of this kind the same consideration that will be had for other claims.

Mr. KING. Mr. President, if there were a possibility of our Government taking the position suggested by the Senator from New Mexico, to the effect that American nationals who have claims against Mexico growing out of the operations of Villa and other Mexicans, were to be placed in a different category from that occupied by American citizens whose claims are based upon wrongs sustained in other parts of Mexico, I should oppose this treaty. It is well known that many American citizens who had homes and property and interests in the northern States of Mexico—among them Sonora and Chihuahua—were robbed and plundered, and some of them killed during the operations by Villa, Zapata, and other Mexican military leaders and perhaps bandit leaders during the closing years of the administration of President Taft and also during the administration of President Wilson. Certainly there should be no discrimination against these American citizens. They are entitled to be placed in the same class as other American nationals who have claims against Mexico. Several thousand American citizens had homes and valuable real and personal property in the northern States of Mexico. They had converted desert lands into fertile fields and had built cities and towns and had added to the prosperity and the development of Mexico. As stated they were driven out during the revolutionary period after the Diaz regime. Many Americans had been invited to Mexico to aid in the development of that



country. They had expended millions of dollars in the building of railroads, electric-light plants, and mills and smelters for the treatment of ores and in building up various industries in many parts of Mexico. They had acquired lands, paying for them full value, and had, at great expense, converted these lands into fertile fields, plantations, meadows, and pastures for the maintenance of the cattle and other livestock with which they were enriching the districts in which they lived. Thousands of Mexicans received employment at the hands of American citizens who were engaged in various commercial and industrial activities.

In 1920, as I recall, I offered a resolution in the Senate calling for an investigation of the conditions in Mexico. The resolution was adopted and a committee of three Senators named to carry out the terms of the resolution. The Democratic member of the committee was Senator Marcus A. Smith, of Arizona, now deceased. This committee spent weeks and months in the investigation and heard the testimony of scores of witnesses. The report of the committee stated that property belonging to American citizens, valued at more than \$500,000,000, as I now recall, had either been destroyed or confiscated by Mexico and its nationals. May I repeat that the Americans who were living in Mexico and who made investments in that country were not trespassers. They had been invited, and indeed, urged to make investments in Mexico and to build homes and towns and cities, and to aid the Mexican Government and the Mexican people in the industrial and economic development of their country. It is not too much to say that these Americans made important contributions to the financial, industrial, and economic development of Mexico. As stated, thousands were driven out of Mexico and hundreds of them were killed and a large number subjected to indignities and ill treatment. My recollection is that the report of the committee referred to, proved that more than 450 Americans lawfully in Mexico, engaged in peaceful pursuits, were killed by Mexicans and more than a hundred and twenty-five American citizens who were in the United States were killed by Mexican nationals who fired across the boundary line.

It has been contended by some Americans that those who confiscated or destroyed their property were military forces of the Mexican Government—not bandits, but Mexican soldiers, serving under either a de facto or de jure government. There are many instances where American citizens who purchased lands in Mexico and improved the same were wholly deprived of their property, with no compensation whatever having been offered or paid to them. That citizens of the United States lawfully in Mexico have been abused, maltreated, and killed, no one can deny. That some of these wrongs were perpetrated by those in control of the Mexican Government, I think must be admitted. Undoubtedly there was banditry and roving, irregular military bands who preyed upon American citizens as well as upon Mexicans. Undoubtedly conditions in Mexico for a number of years following the regime of President Diaz were unsatisfactory. Property worth hundreds of millions of dollars was destroyed. The nationals of a number of countries were subjected to wrongs and indignities, and the property of thousands destroyed or confiscated. Revolutionary forces traversed most parts of Mexico, ravaging and plundering, and inflicting damages upon Mexican citizens as well as upon the nationals of our Government and citizens of other countries.

I think the evidence before the Commission to which I have referred demonstrates that appropriate steps were not taken in a number of instances by the Government of Mexico to protect American nationals who had interests in Mexico. Undoubtedly, brigands and irregular military forces and bandits were, in part, responsible for some of the destruction and confiscation of property belonging to American nationals and the nationals of other countries; but I think the facts warrant the statement that under the principles of international law, the Mexican Government must be held responsible for the greater part of the depredations committed and the consequent losses that ensued.

It is certain that the Mexican Government should be held liable for the death of many of the American citizens who were killed upon Mexican soil as well as upon American soil. I agree with the Senator from New Mexico in his reference to the efforts which are being made by those in authority in Mexico to effectuate reforms and to make life and property safe, and to develop a higher standard of living among the people. Mexico has had many sorrowful and tragic periods. She has had many serious and difficult problems to meet, and those who are familiar with her history must feel a profound sympathy for the Mexican people.

A great majority of the Mexican people are what might be classed as Indians. To develop them and to develop the industries of that important country has been a task of great magnitude. Mexico has produced statesmen of renown; jurists of world-wide fame; lawyers of eminence; painters, poets, and writers whose genius and achievements are known among all civilized nations. Speaking for myself, I have entertained for Mexico and her people a feeling of friendship and have been anxious for the happiness and welfare of the Mexican people.

May I be pardoned a personal allusion? At the Democratic convention in 1924, as a member of the committee on platform and resolutions, I drafted the plank dealing with the Republic to the south of us. I referred to the cordial relations which should exist between this Republic and Latin America. The concluding sentence in the platform declared that " \* \* \* God has made us neighbors; let justice keep us friends. \* \* \* "

I have opposed some of the policies pursued by this Government in its dealings with the countries to the south of us and have insisted that our policies in dealing with these countries should be generous and liberal and guided by a sincere desire for the happiness and welfare of their people. I have opposed some of the chauvinistic claims of Americans in their interpretation of the Monroe Doctrine and insisted that the conditions now existing called for different treatment of this question. The Monroe Doctrine is not purely unilateral; it is, rather, multilateral, and it must be interpreted in the light of modern conditions and of what I believe to be the newer relationships between our Government and our neighbors to the south.

Mr. President, with respect to the treaty under consideration, I confess to considerable disappointment in its terms. I do not believe that it is entirely just and fair to American nationals who have valid claims against Mexico. I agree with the Senator from New Mexico that the formula agreed upon as a basis for the settlement of the claims of the nationals of European nations against Mexico should not be the guide in determining the claims of American nationals. The United States and Mexico are neighbors; the northern boundary of Mexico constitutes the southern boundary of a part of the United States for many hundreds of miles. American citizens, as I have indicated, had large investments in Mexico, and thousands of them had built homes and developed properties in Mexico at the express invitation and request of the Mexican Government.

Tens of thousands of Mexicans were either permanent or temporary residents in the United States, and they had property or other interests in our country. This situation developed relations and conditions quite different from those existing between Mexico and her nationals and the nationals of countries on the other side of the Atlantic. I do not think that the percentage agreed upon as the basis of determining the claims is just, nor do I believe that the amount suggested as a possible maximum of recovery—to wit, about \$7,000,000—can be regarded as an equitable basis for the settlement of the claims of American citizens. As stated, hundreds of Americans were killed, and if their families were to receive but \$10,000 each, six-sevenths of the amount anticipated to be paid by Mexico would be required; and if but \$5,000 were paid to the families of those who were killed, it would require three-sevenths of the maximum amount which it is claimed is to be required at the hands of the Mexican Government.



Mr. President, I believe that the amount which would be paid American nationals is entirely inadequate. I agree with the Senator from Nevada [Mr. PITTMAN] that the efforts during the past 12 years to adjust these claims, has been most unsatisfactory. Undoubtedly something should be done to end this unhappy condition. It would be most unsatisfactory for no settlement to be made or to adopt a procedure akin to that which we have followed in the past. Our Government has expended nearly \$2,000,000 to meet the expenses of the commissions that have been dealing with these claims, and not a penny has been recovered as a result of these enormous expenditures.

It was most unfortunate in my opinion that one of the Commission selected proved to be so wholly unfitted for the position. He early exhibited antipathy toward our Government and toward American nationals and finally returned to his own country, refusing to participate or to take any part in meeting the obligations resting upon him. In my opinion the vacancy created should have been filled by a commissioner from some European country. I shall not elaborate this thought further than to say that the treaty provided a method by which the third member of the Commission might be selected from an environment where those having claims against Mexico might have felt a greater degree of assurance that fair and just judgments might be rendered.

Mr. CUTTING. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. CUTTING. Unless I am very seriously mistaken, the gentleman whom the Senator is criticizing refused for a long time either to participate or to resign.

Mr. KING. I think the Senator has stated the facts correctly. His selection was most unfortunate and his conduct highly reprehensible.

Mr. President, I repeat that the treaty under consideration is a very great disappointment to me, as I know it will be to thousands of American citizens who for years have expected some indemnity for the wrongs which they suffered at the hands of Mexico and its nationals. Many hundreds of those who were driven from Mexico and whose property was confiscated or destroyed, suffered serious hardships as they endeavored to make new homes in the United States. A considerable number of them were unable to again build homes and to accommodate themselves to the conditions in the new environment into which they were thrust. Houseless and homeless, after years of hardship, many died in poverty and in despair.

Mr. President, I do not feel like taking upon myself the responsibility of attempting to defeat this treaty or to prevent its consideration. I can only say that I deeply regret that it falls far short of dealing justly with American citizens who have so grievously suffered at the hands of the Mexican Government and its nationals.

The VICE PRESIDENT. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification will be read.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senate concurring therein), That the Senate advise and consent to the adherence by the United States to Executive I (73d Cong., 2d sess.), convention between the United States of America and the United Mexican States, signed at Mexico City on April 24, 1934, providing for the en bloc settlement of the claims presented by the Government of the United States to the commission established by the Special Claims Convention concluded September 10, 1923, instead of by international adjudication in each case as provided in that convention.*

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution is agreed to, and the treaty is ratified.

CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL TRANSPORTATION BY AIR

Mr. PITTMAN. I ask that the Senate proceed to the consideration of Executive G.

The Senate, as in Committee of the Whole, proceeded to consider Executive G (73d Cong., 2d sess.) a convention for the unification of certain rules relating to international transportation by air, signed at Warsaw, Poland, on October 12, 1929, and an additional protocol thereto relating to article 2 of the convention, which was read the second time, as follows:

[Translation]

CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL TRANSPORTATION BY AIR

The President of the German Reich, the Federal President of the Republic of Austria, His Majesty the King of the Belgians, the President of the United States of Brazil, His Majesty the King of the Bulgarians, the President of the Nationalist Government of China, His Majesty the King of Denmark and Iceland, His Majesty the King of Egypt, His Majesty the King of Spain, the Chief of State of the Republic of Estonia, the President of the Republic of Finland, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, the President of the Hellenic Republic, His Most Serene Highness the Regent of the Kingdom of Hungary, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Latvia, Her Royal Highness the Grand Duchess of Luxembourg, the President of the United Mexican States, His Majesty the King of Norway, Her Majesty the Queen of the Netherlands, the President of the Republic of Poland, His Majesty the King of Rumania, His Majesty the King of Sweden, the Swiss Federal Council, the President of the Czechoslovak Republic, the Central Executive Committee of the Union of Soviet Socialist Republics, the President of the United States of Venezuela, His Majesty the King of Yugoslavia:

Having recognized the advantage of regulating in a uniform manner the conditions of international transportation by air in respect of the documents used for such transportation and of the liability of the carrier, have nominated to this end their respective Plenipotentiaries, who, being thereto duly authorized, have concluded and signed the following Convention:

#### CHAPTER I. SCOPE—DEFINITIONS

##### ARTICLE I

(1) This Convention shall apply to all international transportation of persons, baggage, or goods performed by aircraft for hire. It shall apply equally to gratuitous transportation by aircraft performed by an air transportation enterprise.

(2) For the purposes of this Convention the expression "international transportation" shall mean any transportation in which, according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the transportation or a transshipment, are situated either within the territories of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to this Convention. Transportation without such an agreed stopping place between territories subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party shall not be deemed to be international for the purposes of this Convention.

(3) Transportation to be performed by several successive air carriers shall be deemed, for the purposes of this Convention, to be one undivided transportation, if it has been regarded by the parties as a single operation, whether it has been agreed upon under the form of a single contract or of a series of contracts, and it shall not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate, or authority of the same High Contracting Party.

## ARTICLE 2

(1) This Convention shall apply to transportation performed by the State or by legal entities constituted under public law provided it falls within the conditions laid down in Article 1.

(2) This Convention shall not apply to transportation performed under the terms of any international postal Convention.

## CHAPTER II. TRANSPORTATION DOCUMENTS—SECTION 1—PASSENGER TICKET

## ARTICLE 3

(1) For the transportation of passengers the carrier must deliver a passenger ticket which shall contain the following particulars:

- (a) The place and date of issue;
- (b) The place of departure and destination;
- (c) The agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right, the alteration shall not have the effect of depriving the transportation of its international character;
- (d) The name and address of the carrier or carriers;
- (e) A statement that the transportation is subject to the rules relating to liability established by this Convention.

(2) The absence, irregularity, or loss of the passenger ticket shall not affect the existence or the validity of the contract of transportation, which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts a passenger without a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this Convention which exclude or limit his liability.

## SECTION 2. BAGGAGE CHECK

## ARTICLE 4

(1) For the transportation of baggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a baggage check.

(2) The baggage check shall be made out in duplicate, one part for the passenger and the other part for the carrier.

(3) The baggage check shall contain the following particulars:

- (a) The place and date of issue;
- (b) The place of departure and of destination;
- (c) The name and address of the carrier or carriers;
- (d) The number of the passenger ticket;
- (e) A statement that delivery of the baggage will be made to the bearer of the baggage check;
- (f) The number and weight of the packages;
- (g) The amount of the value declared in accordance with Article 22 (2);

(h) A statement that the transportation is subject to the rules relating to liability established by this Convention.

(4) The absence, irregularity or loss of the baggage check shall not affect the existence or the validity of the contract of transportation which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts baggage without a baggage check having been delivered, or if the baggage check does not contain the particulars set out at (d), (f), and (h) above, the carrier shall not be entitled to avail himself of those provisions of the Convention which exclude or limit his liability.

## SECTION 3. AIR WAYBILL

## ARTICLE 5

(1) Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an "air waybill"; every consignor has the right to require the carrier to accept this document.

(2) The absence, irregularity, or loss of this document shall not affect the existence or the validity of the contract of transportation which shall, subject to the provisions of Article 9, be none the less governed by the rules of this Convention.

## ARTICLE 6

(1) The air waybill shall be made out by the consignor in three original parts and be handed over with the goods.

(2) The first part shall be marked "for the carrier", and shall be signed by the consignor. The second part shall be

marked "for the consignee"; it shall be signed by the consignor and by the carrier and shall accompany the goods. The third part shall be signed by the carrier and handed by him to the consignor after the goods have been accepted.

(3) The carrier shall sign on acceptance of the goods.

(4) The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor, the carrier makes out the air waybill, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

## ARTICLE 7

The carrier of goods has the right to require the consignor to make out separate waybills when there is more than one package.

## ARTICLE 8

The air waybill shall contain the following particulars:

- (a) The place and date of its execution;
- (b) The place of departure and of destination;
- (c) The agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right the alteration shall not have the effect of depriving the transportation of its international character;
- (d) The name and address of the consignor;
- (e) The name and address of the first carrier;
- (f) The name and address of the consignee, if the case so requires;
- (g) The nature of the goods;
- (h) The number of packages, the method of packing, and the particular marks or numbers upon them;
- (i) The weight, the quantity, the volume, or dimensions of the goods;
- (j) The apparent condition of the goods and of the packing;
- (k) The freight, if it has been agreed upon, the date and place of payment, and the person who is to pay it;
- (l) If the goods are sent for payment on delivery, the price of the goods, and, if the case so requires, the amount of the expenses incurred;
- (m) The amount of the value declared in accordance with Article 22 (2);
- (n) The number of parts of the air waybill;
- (o) The documents handed to the carrier to accompany the air waybill;
- (p) The time fixed for the completion of the transportation and a brief note of the route to be followed, if these matters have been agreed upon;
- (q) A statement that the transportation is subject to the rules relating to liability established by this Convention.

## ARTICLE 9

If the carrier accepts goods without an air waybill having been made out, or if the air waybill does not contain all the particulars set out in Article 8 (a) to (i), inclusive, and (q), the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability.

## ARTICLE 10

(1) The consignor shall be responsible for the correctness of the particulars and statements relating to the goods which he inserts in the air waybill.

(2) The consignor shall be liable for all damages suffered by the carrier or any other person by reason of the irregularity, incorrectness or incompleteness of the said particulars and statements.

## ARTICLE 11

(1) The air waybill shall be *prima facie* evidence of the conclusion of the contract, of the receipt of the goods and of the conditions of transportation.

(2) The statements in the air waybill relating to the weight, dimensions, and packing of the goods, as well as those relating to the number of packages, shall be *prima facie* evidence of the facts stated; those relating to the quantity, volume, and condition of the goods shall not constitute evidence against the carrier except so far as they both have been, and are stated in the air waybill to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the goods.



## ARTICLE 12

(1) Subject to his liability to carry out all his obligations under the contract of transportation, the consignor shall have the right to dispose of the goods by withdrawing them at the airport of departure or destination, or by stopping them in the course of the journey on any landing, or by calling for them to be delivered at the place of destination, or in the course of the journey to a person other than the consignee named in the air waybill, or by requiring them to be returned to the airport of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors, and he must repay any expenses occasioned by the exercise of this right.

(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the goods without requiring the production of the part of the airway bill delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the airway bill.

(4) The right conferred on the consignor shall cease at the moment when that of the consignee begins in accordance with Article 13, below. Nevertheless, if the consignee declines to accept the waybill or the goods, or if he cannot be communicated with, the consignor shall resume his right of disposition.

## ARTICLE 13

(1) Except in the circumstances set out in the preceding article, the consignee shall be entitled, on arrival of the goods at the place of destination, to require the carrier to hand over to him the air waybill and to deliver the goods to him, on payment of the charges due and on complying with the conditions of transportation set out in the air waybill.

(2) Unless it is otherwise agreed, it shall be the duty of the carrier to give notice to the consignee as soon as the goods arrive.

(3) If the carrier admits the loss of the goods, or if the goods have not arrived at the expiration of seven days after the date on which they ought to have arrived, the consignee shall be entitled to put into force against the carrier the rights which flow from the contract of transportation.

## ARTICLE 14

The consignor and the consignee can respectively enforce all the rights given them by Articles 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

## ARTICLE 15

(1) Articles 12, 13, and 14 shall not affect either the relations of the consignor and the consignee with each other or the relations of third parties whose rights are derived either from the carrier or from the consignee.

(2) The provisions of Articles 12, 13, and 14 can only be varied by express provision in the air waybill.

## ARTICLE 16

(1) The consignor must furnish such information and attach to the air waybill such documents as are necessary to meet the formalities of customs, octroi, or police before the goods can be delivered to the consignee. The consignor shall be liable to the carrier for any damage occasioned by the absence, insufficiency, or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his agents.

(2) The carrier is under no obligation to enquire into the correctness or sufficiency of such information or documents.

## CHAPTER III—LIABILITY OF THE CARRIER

## ARTICLE 17

The carrier shall be liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

## ARTICLE 18

(1) The carrier shall be liable for damage sustained in the event of the destruction or loss of, or of damage to, any checked baggage or any goods, if the occurrence which caused the damage so sustained took place during the transportation by air.

(2) The transportation by air within the meaning of the preceding paragraph shall comprise the period during which the baggage or goods are in charge of the carrier, whether in an airport or on board an aircraft, or, in the case of a landing outside an airport, in any place whatsoever.

(3) The period of the transportation by air shall not extend to any transportation by land, by sea, or by river performed outside an airport. If, however, such transportation takes place in the performance of a contract for transportation by air, for the purpose of loading, delivery or transshipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the transportation by air.

## ARTICLE 19

The carrier shall be liable for damage occasioned by delay in the transportation by air of passengers, baggage, or goods.

## ARTICLE 20

(1) The carrier shall not be liable if he proves that he and his agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

(2) In the transportation of goods and baggage the carrier shall not be liable if he proves that the damage was occasioned by an error in piloting, in the handling of the aircraft, or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.

## ARTICLE 21

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the Court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

## ARTICLE 22

(1) In the transportation of passengers the liability of the carrier for each passenger shall be limited to the sum of 125,000 francs. Where, in accordance with the law of the Court to which the case is submitted, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed 125,000 francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

(2) In the transportation of checked baggage and of goods, the liability of the carrier shall be limited to a sum of 250 francs per kilogram, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of the value at delivery and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier shall be limited to 5,000 francs per passenger.

(4) The sums mentioned above shall be deemed to refer to the French franc consisting of 65½ milligrams of gold at the standard of fineness of nine hundred thousandths. These sums may be converted into any national currency in round figures.

## ARTICLE 23

Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this Convention shall be null and void, but the nullity of any such provision shall not involve the nullity of the whole contract, which shall remain subject to the provisions of this Convention.

## ARTICLE 24

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Convention.

(2) In the cases covered by Article 17 the provisions of the preceding paragraph shall also apply, without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

## ARTICLE 25

(1) The carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability, if the damage is caused by his wilful misconduct or by such default on his part as, in accordance with the law of the Court to which the case is submitted, is considered to be equivalent to wilful misconduct.

(2) Similarly the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused under the same circumstances by any agent of the carrier acting within the scope of his employment.

## ARTICLE 26

(1) Receipt by the person entitled to the delivery of baggage or goods without complaint shall be *prima facie* evidence that the same have been delivered in good condition and in accordance with the document of transportation.

(2) In case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within three days from the date of receipt in the case of baggage and seven days from the date of receipt in the case of goods. In case of delay the complaint must be made at the latest within fourteen days from the date on which the baggage or goods have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of transportation or by separate notice in writing dispatched within the times aforesaid.

(4) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

## ARTICLE 27

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this Convention against those legally representing his estate.

## ARTICLE 28

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the Court of the domicile of the carrier or of his principal place of business, or where he has a place of business through which the contract has been made, or before the Court at the place of destination.

(2) Questions of procedure shall be governed by the law of the Court to which the case is submitted.

## ARTICLE 29

(1) The right to damages shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the transportation stopped.

(2) The method of calculating the period of limitation shall be determined by the law of the Court to which the case is submitted.

## ARTICLE 30

(1) In the case of transportation to be performed by various successive carriers and falling within the definition set out in the third paragraph of Article 1, each carrier who accepts passengers, baggage or goods shall be subject to the rules set out in this Convention, and shall be deemed to be one of the contracting parties to the contract of transportation insofar as the contract deals with that part of the transportation which is performed under his supervision.

(2) In the case of transportation of this nature, the passenger or his representative can take action only against the carrier who performed the transportation during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) As regards baggage or goods, the passenger or consignee shall have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery shall have a right of action against the last carrier, and

further, each may take action against the carrier who performed the transportation during which the destruction, loss, damage, or delay took place. These carriers shall be jointly and severally liable to the passenger or to the consignee or consignee.

## CHAPTER IV. PROVISIONS RELATING TO COMBINED TRANSPORTATION

## ARTICLE 31

(1) In the case of combined transportation performed partly by air and partly by any other mode of transportation, the provisions of this Convention shall apply only to the transportation by air, provided that the transportation by air falls within the terms of Article 1.

(2) Nothing in this Convention shall prevent the parties in the case of combined transportation from inserting in the document of air transportation conditions relating to other modes of transportation, provided that the provisions of this Convention are observed as regards the transportation by air.

## CHAPTER V. GENERAL AND FINAL PROVISIONS

## ARTICLE 32

Any clause contained in the contract and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless for the transportation of goods arbitration clauses shall be allowed, subject to this Convention, if the arbitration is to take place within one of the jurisdictions referred to in the first paragraph of Article 28.

## ARTICLE 33

Nothing contained in this Convention shall prevent the carrier either from refusing to enter into any contract of transportation or from making regulations which do not conflict with the provisions of this Convention.

## ARTICLE 34

This convention shall not apply to international transportation by air performed by way of experimental trial by air navigation enterprises with the view to the establishment of regular lines of air navigation, nor shall it apply to transportation performed in extraordinary circumstances outside the normal scope of an air carrier's business.

## ARTICLE 35

The expression "days" when used in this Convention means current days, not working days.

## ARTICLE 36

This Convention is drawn up in French in a single copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of Poland and of which one duly certified copy shall be sent by the Polish Government to the Government of each of the High Contracting Parties.

## ARTICLE 37

(1) This Convention shall be ratified. The instruments of ratification shall be deposited in the archives of the Ministry for Foreign Affairs of Poland, which shall give notice of the deposit to the Government of each of the High Contracting Parties.

(2) As soon as this Convention shall have been ratified by five of the High Contracting Parties it shall come into force as between them on the ninetieth day after the deposit of the fifth ratification. Thereafter it shall come into force between the High Contracting Parties which shall have ratified and the High Contracting Party which deposits its instrument of ratification on the ninetieth day after the deposit.

(3) It shall be the duty of the Government of the Republic of Poland to notify the Government of each of the High Contracting Parties of the date on which this Convention comes into force as well as the date of the deposit of each ratification.

## ARTICLE 38

(1) This Convention shall, after it has come into force, remain open for adherence by any State.

(2) The adherence shall be effected by a notification addressed to the Government of the Republic of Poland, which



shall inform the Government of each of the High Contracting Parties thereof.

(3) The adherence shall take effect as from the ninetieth day after the notification made to the Government of the Republic of Poland.

## ARTICLE 39

(1) Any one of the High Contracting Parties may denounce this Convention by a notification addressed to the Government of the Republic of Poland, which shall at once inform the Government of each of the High Contracting Parties.

(2) Denunciation shall take effect six months after the notification of denunciation, and shall operate only as regards the party which shall have proceeded to denunciation.

## ARTICLE 40

(1) Any High Contracting Party may, at the time of signature or of deposit of ratification or of adherence declare that the acceptance which it gives to this Convention does not apply to all or any of its colonies, protectorates, territories under mandate, or any other territory subject to its sovereignty or its authority, or any other territory under its suzerainty.

(2) Accordingly any High Contracting Party may subsequently adhere separately in the name of all or any of its colonies, protectorates, territories under mandate, or any other territory subject to its sovereignty or to its authority or any other territory under its suzerainty which have been thus excluded by its original declaration.

(3) Any High Contracting Party may denounce this Convention, in accordance with its provisions, separately or for all or any of its colonies, protectorates, territories under mandate or any other territory subject to its sovereignty or to its authority, or any other territory under its suzerainty.

## ARTICLE 41

Any High Contracting Party shall be entitled not earlier than two years after the coming into force of this Convention to call for the assembling of a new international Conference in order to consider any improvements which may be made in this Convention. To this end it will communicate with the Government of the French Republic which will take the necessary measures to make preparations for such Conference.

This Convention done at Warsaw on October 12, 1929, shall remain open for signature until January 31, 1930.

For Germany:

R. RICHTER.  
Dr. A. WEGERDT.  
Dr. E. ALBRECHT.  
Dr. OTTO RIESE.

For Austria:

STROBELE.  
REINOEHL.

For Belgium:

BERNARD DE L'ESCAILLE.

For Brazil:

ALCIBIADES PEÇANHA.

For Bulgaria:

For China:

For Denmark:

L. INGERSLEV.  
KNUD GREGERSEN.

For Egypt:

For Spain:

SILVIO FERNANDEZ VALLIN.

For Estonia:

For Finland:

For France:

PIERRE ETIENNE FLANDIN.  
GEORGES RIPERT.

For Great Britain and Northern Ireland:

A. H. DENNIS.  
ORME CLARKE.  
R. L. MEGARRY.

For the Commonwealth of Australia:

A. H. DENNIS.  
ORME CLARKE.  
R. L. MEGARRY.

For the Union of South Africa:

A. H. DENNIS.  
ORME CLARKE.  
R. L. MEGARRY.

For Greece:

G. C. LAGOUKAKIS.

For Hungary:

For Italy:

A. GIANNINI.

For Japan:

KAZUO NISHIKAWA.

For Latvia:

M. NUKŠA.

For Luxembourg:

E. ARENDT.

For Mexico:

For Norway:

N. CHR. DITLEFF.

For the Netherlands:

W. B. ENGELBRECHT.

For Poland:

AUGUSTE ZALESKI.

ALFONS KÜHN.

For Rumania:

G. CRETZIANO.

For Sweden:

For Switzerland:

EDM. PITTARD.  
Dr. F. HESS.

For Czechoslovakia:

Dr. V. GIRSA.

For the Union of Soviet Socialist Republics:

KOTZUBINSKY.

For Venezuela:

For Yugoslavia:  
IVO DE GIULI.

## ADDITIONAL PROTOCOL

(With reference to article 2)

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of adherence that the first paragraph of article 2 of this Convention shall not apply to international transportation by air performed directly by the State, its colonies, protectorates, or mandated territories, or by any other territory under its sovereignty, suzerainty, or authority.

For Germany:

R. RICHTER.  
Dr. A. WEGERDT.  
Dr. E. ALBRECHT.  
Dr. OTTO RIESE.

For Austria:

STROBELE.  
REINOEHL.

For Belgium:

BERNARD DE L'ESCAILLE.

For Brazil:

ALCIBIADES PEÇANHA.

For Bulgaria:

For China:

For Denmark:

L. INGERSLEV.  
KNUD GREGERSEN.

For Egypt:

For Spain:

SILVIO FERNANDEZ VALLIN.

For Estonia:

For Finland:

For France:

PIERRE ETIENNE FLANDIN.

GEORGES RIPERT.

For Great Britain and Northern Ireland:

A. H. DENNIS.

ORME CLARKE.

R. L. MEGARRY.

For the Commonwealth of Australia:

A. H. DENNIS.

ORME CLARKE.

R. L. MEGARRY.

For the Union of South Africa:

A. H. DENNIS.

ORME CLARKE.

R. L. MEGARRY.

For Greece:

G. C. LAGOUDAKIS.

For Hungary:

For Italy:

A. GIANNINI.

For Japan:

KAZUO NISHIKAWA.

For Latvia:

M. NUKSA.

For Luxembourg:

E. ARENDT.

For Mexico:

For Norway:

N. CHR. DITLEFF.

For the Netherlands:

W. B. ENGELBRECHT.

For Poland:

AUGUSTE ZALESKI.

ALFONS KÜHN.

For Rumania:

G. CRETZIANO.

For Sweden:

For Switzerland:

EDM. PITTARD.

Dr. F. HESS.

For Czechoslovakia:

Dr. V. GIRSA.

For the Union of Soviet Socialist Republics:

KOTZUBINSKY.

For Venezuela:

For Yugoslavia:

Ivo DE GIULLI.

The VICE PRESIDENT. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The resolution of ratification will be read.

Mr. PITTMAN. Mr. President, I will state that there are two reservations to be added to that treaty. The first reservation is as follows:

That the first paragraph of article 2 of the convention shall not apply to international transportation that may be performed by the United States or any Territory or possession under its jurisdiction.

The VICE PRESIDENT. The question is on agreeing to the reservation.

The reservation was agreed to.

Mr. PITTMAN. I offer a further reservation, as follows:

That the French text of the first paragraph of article 15 shall be amended by the substitution therein of the words "de l'expédi-

teur" for the words "du transporteur", in the fourth line of the paragraph, so that the word "consignor" can be substituted for the word "carrier" where it now appears in the English translation of the phrase "du transporteur."

The VICE PRESIDENT. The question is on agreeing to the reservation.

The reservation was agreed to.

The VICE PRESIDENT. The resolution of ratification as amended by the reservations will be read.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senators present concurring), That the Senate advise and consent to the adherence by the United States to Executive O (73d Cong., 2d sess.), the Convention for the Unification of Certain Rules Relating to International Transportation by Air, signed at Warsaw, Poland, on October 12, 1929, and an additional protocol thereto relating to article 2 of the convention, with the reservations that the first paragraph of article 2 of the convention shall not apply to international transportation that may be performed by the United States or any Territory or possession under its jurisdiction, and that the French text of the first paragraph of article 15 shall be amended by the substitution therein of the words "de l'expéditeur" for the words "du transporteur" in the fourth line of the paragraph, so that the word "consignor" can be substituted for the word "carrier" where it now appears in the English translation of the phrase "du transporteur."*

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended by the reservations. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution as amended is agreed to, and the treaty is ratified.

#### EXTRADITION CONVENTION OF WESTERN REPUBLICS

Mr. PITTMAN. I ask that the Senate proceed to the consideration of Executive O.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive O, Seventy-third Congress, second session, a convention on extradition signed on December 26, 1933, by plenipotentiaries of the United States of America and other republics of the Western Hemisphere represented at the Seventh International Conference of American States at Montevideo, Uruguay, which was read the second time, as follows:

The Governments represented in the Seventh International Conference of American States:

Wishing to conclude a Convention on Extradition, have appointed the following plenipotentiaries:

Honduras:

MIGUEL PAZ BARAONA

AUGUSTO C. COELLO

LUIS BOGRÁN

United States of America:

CORDELL HULL

ALEXANDER W. WEDDELL

J. REUBEN CLARK

J. BUTLER WRIGHT

SPRUILLE BRADEN

MISS SOPHONISBA P. BRECKINRIDGE

El Salvador:

HÉCTOR DAVID CASTRO

ARTURO RAMÓN AVILA

J. CIPRIANO CASTRO

Dominican Republic:

TULIO M. CESTERO

Haiti:

JUSTIN BARAU

FRANCIS SALGADO

ANTOINE PIERRE-PAUL

EDMOND MANGONÉS

Argentina:

CARLOS SAAVEDRA LAMAS

JUAN F. CAFFERATA

RAMÓN S. CASTILLO

CARLOS BREBBIA

ISIDORO RUIZ MORENO

LUIS A. PODESTÁ COSTA

RAÚL PREBISCH

DANIEL ANTOKOLETZ



## Venezuela:

CÉSAR ZUMETA  
LUIS CHURION  
JOSÉ RAFAEL MONTILLA

## Uruguay:

ALBERTO MAÑÉ  
JUAN JOSÉ AMÉZAGA  
JOSÉ G. ANTUÑA  
JUAN CARLOS BLANCO  
SEÑORA SOFÍA A. V. DE DEMICHELI  
MARTÍN R. ECHEGOYEN  
LUIS ALBERTO DE HERRERA  
PEDRO MANINI RÍOS  
MATEO MARQUES CASTRO  
RODOLFO MEZZERA  
OCTAVIO MORATÓ  
LUIS MORQUIO  
TEÓFILO PIÑEYRO CHAIN  
DARDO REGULES  
JOSÉ SERRATO  
JOSÉ PEDRO VARELLA

## Paraguay:

JUSTO PASTOR BENÍTEZ  
GERÓNIMO RIART  
HORACIO A. FERNÁNDEZ  
SEÑORITA MARÍA F. GONZÁLEZ

## Mexico:

JOSÉ MANUEL PUIG CASAURANG  
ALFONSO REYES  
BASILIO VADILLO  
GENARO V. VASQUEZ  
ROMEO ORTEGA  
MANUEL J. SIERRA  
EDUARDO SUÁREZ

## Panama:

J. D. AROSEMENA  
EDUARDO E. HOLGUÍN  
OSCAR R. MULLER  
MAGÍN PONS

## Bolivia:

CASTO ROJAS  
DAVID ALVÉSTEGUI  
ARTURO PINTO ESCALIER

## Guatemala:

ALFREDO SKINNER KLEE  
JOSÉ GONZÁLEZ CEMPO  
CARLOS SALAZAR  
MANUEL ARROYO

## Brazil:

AFRANIO DE MELLO FRANCO  
LUCILLO A DA CUNHA BUENO  
FRANCISCO LUIS DA SILVA CAMPOS  
GILBERTO AMADO  
CARLOS CHAGAS  
SAMUEL RIBEIRO

## Ecuador:

AUGUSTO AGUIRRE APARICIO  
HUMBERTO ALBORNOZ  
ANTONIO PARRA  
CARLOS PUIG VILASSAR  
ARTURO SCARONE

## Nicaragua:

LEONARDO ARGÜELLO  
MANUEL CORDERO REYES

## Colombia:

ALFONSO LÓPEZ  
RAIMUNDO RIVAS  
JOSÉ CAMACHO CARREÑO

## Chile:

MIGUEL CRUCHAGA TOCORNAL  
OCTAVIO SEÑORET SILVA  
GUSTAVO RIVERA  
JOSÉ RAMÓN GUTIÉRREZ  
FÉLIX NIETO DEL RÍO  
FRANCISCO FIGUEROA SÁNCHEZ  
BENJAMÍN COHEN

## Peru:

ALFREDO SOLF Y MURO  
FELIPE BARREDA LAOS  
LUIS FERNÁN CISNEROS

## Cuba:

ANGEL ALBERTO GIRAUDY  
HERMINIO PORTELL VILÁ  
ALFREDO NOGUEIRA

Who, after having exhibited their full powers, which were found in good and due form, have agreed upon the following:

## ARTICLE 1

Each one of the signatory states in harmony with the stipulations of the present convention assumes the obligation of surrendering to any one of the states which may make the requisition, the persons who may be in their territory and who are accused or under sentence. This right shall be claimed only under the following circumstances:

(a) That the demanding state have the jurisdiction to try and to punish the delinquency which is attributed to the individual whom it desires to extradite.

(b) That the act for which extradition is sought constitutes a crime and is punishable under the laws of the demanding and surrendering states with a minimum penalty of imprisonment for one year.

## ARTICLE 2

When the person whose extradition is sought is a citizen of the country to which the requisition is addressed, his delivery may or may not be made, as the legislation or circumstances of the case may, in the judgment of the surrendering state, determine. If the accused is not surrendered, the latter state is obliged to bring action against him for the crime with which he is accused, if such crime meets the conditions established in subarticle (b) of the previous article. The sentence pronounced shall be communicated to the demanding state.

## ARTICLE 3

Extradition will not be granted:

(a) When, previous to the arrest of the accused person, the penal action or sentence has expired according to the laws of the demanding or the surrendering state.

(b) When the accused has served his sentence in the country where the crime was committed or when he may have been pardoned or granted an amnesty.

(c) When the accused has been or is being tried by the state to which the requisition was directed for the act with which he is charged and on which the petition of extradition is based.

(d) When the accused must appear before any extraordinary tribunal or court of the demanding state (tribunal o juzgado de excepción del Estado requiriente). Military courts will not be considered as such tribunals.

(e) When the offense is of a political nature or of a character related thereto. An attempt against the life or person of the Chief of State or members of his family, shall not be deemed to be a political offense.

(f) When the offense is purely military or directed against religion.

## ARTICLE 4

The determination of whether or not the exceptions referred to in the previous article are applicable shall belong exclusively to the state to which the request for extradition is addressed.

## ARTICLE 5

A request for extradition should be formulated by the respective diplomatic representative. When no such representative is available, consular agents may serve or the governments may communicate directly with one another. The following documents in the language of the country to which the request for extradition is directed shall accompany every such request:

(a) An authentic copy of the sentence, when the accused has been tried and condemned by the courts of the demanding state.

(b) When the person is only under accusation, an authentic copy of the order of detention issued by the competent

judge, with a precise description of the imputed offense, a copy of the penal laws applicable thereto, and a copy of the laws referring to the prescription of the action or the penalty.

(c) In the case of an individual under accusation as also of an individual already condemned, there shall be furnished all possible information of a personal character which may help to identify the individual whose extradition is sought.

## ARTICLE 6

When a person whose extradition is sought shall be under trial or shall be already condemned in the state from which it is sought to extradite him, for an offense committed prior to the request for extradition, said extradition shall be granted at once, but the surrender of the accused to the demanding state shall be deferred until his trial ends or his sentence is served.

## ARTICLE 7

When the extradition of a person is sought by several states for the same offense, preference will be given to the state in whose territory said offense was committed. If he is sought for several offenses, preference will be given to the state within whose bounds shall have been committed the offense which has the greatest penalty according to the law of the surrendering state.

If the case is one of different acts which the state from which extradition is sought esteems of equal gravity, the preference will be determined by the priority of the request.

## ARTICLE 8

The request for extradition shall be determined in accordance with the domestic legislation of the surrendering state and the individual whose extradition is sought shall have the right to use all the remedies and resources authorized by such legislation, either before the judiciary or the administrative authorities as may be provided for by the aforesaid legislation.

## ARTICLE 9

Once a request for extradition in the form indicated in article 5 has been received, the state from which the extradition is sought will exhaust all necessary measures for the capture of the person whose extradition is requested.

## ARTICLE 10

The requesting state may ask, by any means of communication, the provisional or preventive detention of a person, if there is, at least, an order by some court for his detention and if the state at the same time offers to request extradition in due course. The state from which the extradition is sought will order the immediate arrest of the accused. If within a maximum period of 2 months after the requesting state has been notified of the arrest of the person, said state has not formally applied for extradition, the detained person will be set at liberty and his extradition may not again be requested except in the way established by article 5.

The demanding state is exclusively liable for any damages which might arise from the provisional or preventive detention of a person.

## ARTICLE 11

Extradition having been granted and the person requested put at the disposition of the diplomatic agent of the demanding state, then, if, within 2 months from the time when said agent is notified of same, the person has not been sent to his destination, he will be set at liberty, and he cannot again be detained for the same cause.

The period of 2 months will be reduced to 40 days when the countries concerned are confederates.

## ARTICLE 12

Once extradition of a person has been refused, application may not again be made for the same alleged act.

## ARTICLE 13

The state requesting the extradition may designate one or more guards for the purpose of taking charge of the person extradited, but said guards will be subject to the orders of the police or other authorities of the state granting the extradition or of the states in transit.

## ARTICLE 14

The surrender of the person extradited to the requesting state will be done at the most appropriate point on the frontier or in the most accessible port, if the transfer is to be made by water.

## ARTICLE 15

The objects found in the possession of the person extradited, obtained by the perpetration of the illegal act for which extradition is requested, or which might be useful as evidence of same, will be confiscated and handed over to the demanding country, notwithstanding it might not be possible to surrender the accused because of some unusual situation, such as his escape or death.

## ARTICLE 16

The costs of arrest, custody, maintenance, and transportation of the person, as well as of the objects referred to in the preceding article, will be borne by the state granting the extradition up to the moment of surrender and from thereon they will be borne by the demanding State.

## ARTICLE 17

Once the extradition is granted, the demanding State undertakes—

(a) Not to try nor to punish the person for a common offense which was committed previous to the request for extradition and which has not been included in said request, except only if the interested party expressly consents.

(b) Not to try nor to punish the person for a political offense, or for an offense connected with a political offense, committed previous to the request for extradition.

(c) To apply to the accused the punishment of next lesser degree than death if according to the legislation of the country of refuge the death penalty would not be applicable.

(d) To furnish to the state granting the extradition an authentic copy of the sentence pronounced.

## ARTICLE 18

The signatory states undertake to permit the transit through their respective territories of any person whose extradition has been granted by another state in favor of a third, requiring only the original or an authentic copy of the agreement by which the country of refuge granted the extradition.

## ARTICLE 19

No request for extradition may be based upon the stipulations of this convention if the offense in question has been committed before the ratification of the convention is deposited.

## ARTICLE 20

The present convention will be ratified by means of the legal forms in common use in each of the signatory states, and will come into force, for each of them, 30 days after the deposit of the respective ratification.

The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

## ARTICLE 21

The present convention does not abrogate or modify the bilateral or collective treaties, which at the present date are in force between the signatory states. Nevertheless, if any of said treaties lapse, the present convention will take effect and become applicable immediately among the respective states, if each of them has fulfilled the stipulations of the preceding article.

## ARTICLE 22

The present convention shall remain in force indefinitely but may be denounced by means of 1 year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining high contracting parties.



## ARTICLE 23

The present convention shall be open for the adherence and accession of the states which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union, which shall communicate them to the other high contracting parties.

In witness whereof, the following plenipotentiaries have signed this convention in Spanish, English, Portuguese, and French, and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December 1933.

## RESERVATIONS

The delegation of the United States of America, in signing the present Extradition Convention, reserves the following articles:

Article 2 (second sentence, English text).

Article 3, paragraph d.

Articles 12, 15, 16, and 18.

Reservation to the effect that El Salvador, although it accepts in general principle article XVIII of the Inter-American Treaty of Extradition, concretely stipulates the exception that it cannot cooperate in the surrender of its own nationals, prohibited by its political constitution, by permitting the transit through its territory of said nationals when one foreign State surrenders them to another.

Mexico signs the Convention on Extradition with the declaration with respect to article 3, paragraph f, that the internal legislation of Mexico does not recognize offenses against religion. It will not sign the optional clause of this convention.

The delegation from Ecuador, in dealing with the nations with which Ecuador has signed Conventions on Extraditions, accepts the stipulations herein established in all respects which are not contrary to said conventions.

## Honduras:

M. PAZ BARAONA  
AUGUSTO C. COELLO  
LUIS BOGRÁN

## United States of America:

ALEXANDER W. WEDDELL  
J. BUTLER WRIGHT

## El Salvador:

HÉCTOR DAVID CASTRO  
ARTURO R. AVILA

## Dominican Republic:

TULIO M. CESTERO

## Haiti:

J. BARAU  
F. SALGADO  
EDMOND MANGONÉS  
A. PRRE. PAUL

## Argentina:

CARLOS SAAVEDRA LAMAS  
JUAN F. CAFFERATA  
RAMÓN S. CASTILLO  
I. RUIZ MORENO  
L. A. PODESTÁ COSTA  
D. ANTOKOLETZ

## Uruguay:

A. MAÑE  
JOSÉ PEDRO VARELA  
MATEO MARQUES CASTRO  
DARDO REGULES  
SOFÍA ALVAREZ VIGNOLI DE DEMICHELI  
TEÓFILO PIÑEYRO CHAIN  
LUIS A. DE HERRERA  
MARTÍN R. ECHEGOYEN  
JOSÉ G. ANTUÑA  
J. C. BLANCO  
PEDRO MANINI RÍOS  
RODOLFO MEZZERA  
OCTAVIO MORATÓ  
LUIS MORQUIO  
JOSÉ SERRATO

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## Paraguay:

JUSTO PASTOR BENÍTEZ  
MARÍA F. GONZÁLEZ

## Mexico:

B. VADILLO  
M. J. SIERRA  
EDUARDO SUÁREZ

## Panama:

J. D. AROSEMENA  
MAGIN PONS  
EDUARDO E. HOLGUIN

## Guatemala:

A. SKINNER KLEE  
J. GONZÁLEZ CAMPO  
CARLOS SALAZAR  
M. ARROYO

## Brazil:

LUCILLO A. DA CUNHA BUENO  
GILBERTO AMADO

## Ecuador:

A. AGUIRRE APARICIO  
H. ALBORNOZ  
ANTONIO PARRA V  
C. PUIG V  
ARTURO SCARONE

## Nicaragua:

LEONARDO ARGÜELLO  
M. CORDERO REYES  
CARLOS CUADRA PASOS

## Colombia:

ALFONSO LOPEZ  
RAIMUNDO RIVAS

## Chile:

MIGUEL CRUCHAGA  
J. RAMÓN GUTIÉRREZ  
F. FIGUEROA  
F. NIETO DEL RÍO  
B. COHEN

## Peru:

ALFREDO SOLF Y MURO

## Cuba:

ALBERTO GIRAUDY  
HERMINIO PORTELL VILÁ  
Ing. A. E. NOGUEIRA

## OPTIONAL CLAUSE

The States signing this clause, notwithstanding article 2 of the preceding Convention on Extradition, agree among themselves that in no case will the nationality of the criminal be permitted to impede his extradition.

The present clause is open to those states signing said Treaty of Extradition, which desire to be ruled by it in the future, for which purpose it will be sufficient to communicate their adherence to the Pan American Union.

## Argentina:

L. A. PODESTÁ COSTA  
D. ANTOKOLETZ

## Uruguay:

A. MAÑE  
JOSÉ PEDRO VARELA  
MATEO MARQUES CASTRO  
DARDO REGULES  
SOFÍA ALVAREZ VIGNOLI DE DEMICHELI  
TEÓFILO PIÑEYRO CHAIN  
LUIS A. DE HERRERA  
MARTÍN R. ECHEGOYEN  
JOSÉ G. ANTUÑA  
J. C. BLANCO  
PEDRO MANINI RÍOS  
RODOLFO MEZZERA  
OCTAVIO MORATÓ  
LUIS MORQUIO  
JOSÉ SERRATO

The VICE PRESIDENT. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

The VICE PRESIDENT. The resolution of ratification will be read.

Mr. PITTMAN. I offer the following reservation to the resolution of ratification:

With the understanding that article 2, paragraph 6 of article 3, and articles 12, 15, 16, and 18 are reserved from the treaty as declared by the United States delegation of agreement thereto, and that such articles and paragraphs shall not be binding upon the United States unless and until subsequently ratified in accordance with the Constitution and laws of the United States.

The VICE PRESIDENT. The question is on agreeing to the reservation.

The reservation was agreed to.

The VICE PRESIDENT. The resolution of ratification, as amended by the reservation, will be read.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive O (73d Cong., 2d sess), a convention on extradition signed on December 26, 1933, by plenipotentiaries of the United States of America and other Republics of the Western Hemisphere represented at the Seventh International Conference of American States at Montevideo, Uruguay, with the understanding that article 2, paragraph 6 of article 3, and articles 12, 15, 16, and 18 are reserved from the treaty as declared by the United States delegation of agreement thereto, and that such articles and paragraphs shall not be binding upon the United States unless and until subsequently ratified in accordance with the Constitution and laws of the United States.*

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended by the reservation. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution as amended is agreed to, and the treaty is ratified.

#### CONVENTION ON RIGHTS AND DUTIES OF STATES

Mr. PITTMAN. I ask that the Senate proceed to the consideration of Executive P.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of Executive P (73d Cong., 2d sess.), the Convention on Rights and Duties of States adopted by the Seventh International Conference of American States at Montevideo, Uruguay, and signed on December 26, 1933, by plenipotentiaries of the United States of America and other countries represented in the said Conference, which was read the second time, as follows:

The governments represented in the Seventh International Conference of American States, wishing to conclude a Convention on Rights and Duties of States, have appointed the following plenipotentiaries:

#### Honduras:

MIGUEL PAZ BARAONA  
AUGUSTO C. COELLO  
LUIS BOGRÁN

#### United States of America:

CORDELL HULL  
ALEXANDER W. WEDDELL  
J. REUBEN CLARK  
J. BUTLER WRIGHT  
SPRUILLE BRADEN  
Miss SOPHONISBA P. BRECKINRIDGE

#### El Salvador:

HÉCTOR DAVID CASTRO  
ARTURO RAMÓN AVILA  
J. CIPRIANO CASTRO

#### Dominican Republic:

TULIO M. CESTERO

#### Haiti:

JUSTIN BARAU  
FRANCIS SALGADO  
ANTOINE PIERRE-PAUL  
EDMOND MANGONÉS

#### Argentina:

CARLOS SAAVEDRA LAMAS  
JUAN F. CAFFERATA

RAMÓN S. CASTILLO  
CARLOS BREBBIA  
ISIDORO RUIZ MORENO  
LUIS A. PODESTÁ COSTA  
RAÚL PREBISCH  
DANIEL ANTOKOLETZ

#### Venezuela:

CÉSAR ZUMETA  
LUIS CHURION  
JOSÉ RAFAEL MONTILLA

#### Uruguay:

ALBERTO MAÑÉ  
JUAN JOSÉ AMÉZAGA  
JOSÉ G. ANTUÑA  
JUAN CARLOS BLANCO  
SEÑORA SOFÍA A. V. DE DEMICHELI  
MARTÍN R. ECHEGOYEN  
LUIS ALBERTO DE HERRERA  
PEDRO MANINI RÍOS  
MATEO MARQUES CASTRO  
RODOLFO MEZZERA  
OCTAVIO MORATÓ  
LUIS MORQUIO  
TEÓFILO PIÑEYRO CHAIN  
DARDO REGULES  
JOSÉ SERRATO  
JOSÉ PEDRO VARELA

#### Paraguay:

JUSTO PASTOR BENÍTEZ  
GERÓNIMO RIART  
HORACIO A. FERNÁNDEZ  
SEÑORITA MARÍA F. GONZÁLEZ

#### Mexico:

JOSÉ MANUEL PUIG CASAUANC  
ALFONSO REYES  
BASILIO VADILLO  
GENARO V. VASQUEZ  
ROMEO ORTEGA  
MANUEL J. SIERRA  
EDUARDO SUÁREZ

#### Panama:

J. D. AROSEMENA  
EDUARDO E. HOLGUÍN  
OSCAR R. MULLER  
MAGÍN PONS

#### Bolivia:

CASTO ROJAS  
DAVID ALVÉSTEGUI  
ARTURO PINTO ESCALIER

#### Guatemala:

ALFREDO SKINNER KLEE  
JOSÉ GONZÁLEZ CAMPO  
CARLOS SALAZAR  
MANUEL ARROVO

#### Brazil:

AFRANIO DE MELLO FRANCO  
LUCILLO A DA CUNHA BUENO  
FRANCISCO LUIS DA SILVA CAMPOS  
GILBERTO AMADO  
CARLOS CHAGAS  
SAMUEL RIBEIRO

#### Ecuador:

AUGUSTO AGUIRRE APARICIO  
HUMBERTO ALBORNOZ  
ANTONIO PARRA  
CARLOS PUIG VILASSAR  
ARTURO SCARONE

#### Nicaragua:

LEONARDO ARGÜELLO  
MANUEL CORDERO REYES  
CARLOS CUADRA PASOS

#### Colombia:

ALFONSO LÓPEZ  
RAIMUNDO RÍVAS  
JOSÉ CAMACHO CARREÑO



## Chile:

MIGUEL CRUCHAGA TOCORNAL  
OCTAVIO SEÑORET SILVA  
GUSTAVO RIVERA  
JOSÉ RAMÓN GUTIÉRREZ  
FÉLIX NIETO DEL RÍO  
FRANCISCO FIGUEROA SÁNCHEZ  
BENJAMÍN COHEN

## Peru:

ALFREDO SOLF Y MURO  
FELIPE BARREDA LAOS  
LUIS FERNÁN CISNEROS

## Cuba:

ANGEL ALBERTO GIRAUDY  
HERMINIO PORTELL VILÁ  
ALFREDO NOGUEIRA

Who, after having exhibited their full powers, which were found to be in good and due order, have agreed upon the following:

## ARTICLE 1

The state as a person of international law should possess the following qualifications: (a) A permanent population: (b) a defined territory, (c) government, and (d) capacity to enter into relations with the other states.

## ARTICLE 2

The federal state shall constitute a sole person in the eyes of international law.

## ARTICLE 3

The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts.

The exercise of these rights has no other limitation than the exercise of the rights of other states according to international law.

## ARTICLE 4

States are juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure its exercise, but upon the simple fact of its existence as a person under international law.

## ARTICLE 5

The fundamental rights of states are not susceptible of being affected in any manner whatsoever.

## ARTICLE 6

The recognition of a state merely signifies that the state which recognizes it accepts the personality of the other with all the rights and duties determined by international law. Recognition is unconditional and irrevocable.

## ARTICLE 7

The recognition of a state may be express or tacit. The latter results from any act which implies the intention of recognizing the new state.

## ARTICLE 8

No state has the right to intervene in the internal or external affairs of another.

## ARTICLE 9

The jurisdiction of states within the limits of national territory applies to all the inhabitants.

Nationals and foreigners are under the same protection of the law and the national authorities and the foreigners may not claim rights other or more extensive than those of the nationals.

## ARTICLE 10

The primary interest of states is the conservation of peace. Differences of any nature which arise between them should be settled by recognized pacific methods.

## ARTICLE 11

The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been

obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another State directly or indirectly or for any motive whatever even temporarily.

## ARTICLE 12

The present convention shall not affect obligations previously entered into by the high contracting parties by virtue of international agreements.

## ARTICLE 13

The present convention shall be ratified by the high contracting parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

## ARTICLE 14

The present convention will enter into force between the high contracting parties in the order in which they deposit their respective ratifications.

## ARTICLE 15

The present convention shall remain in force indefinitely but may be denounced by means of 1 year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining high contracting parties.

## ARTICLE 16

The present convention shall be open for the adherence and accession of the states which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other high contracting parties.

In witness whereof, the following plenipotentiaries have signed this convention in Spanish, English, Portuguese and French and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December 1933.

## RESERVATIONS

The delegation of the United States of America, in signing the Convention on the Rights and Duties of States, does so with the express reservation presented to the plenary session of the Conference on December 22, 1933, which reservation reads as follows:

The delegation of the United States, in voting "yes" on the final vote on this committee recommendation and proposal, makes the same reservation to the 11 articles of the project or proposal that the United States delegation made to the first 10 articles during the final vote in the full Commission, which reservation is in words as follows:

The policy and attitude of the United States Government toward every important phase of international relationships in this hemisphere could scarcely be made more clear and definite than they have been made by both word and action especially since March 4. I have no disposition therefore to indulge in any repetition or rehearsal of these acts and utterances and shall not do so. Every observing person must by this time thoroughly understand that under the Roosevelt administration the United States Government is as much opposed as any other government to interference with the freedom, the sovereignty, or other internal affairs or processes of the governments of other nations.

In addition to numerous acts and utterances in connection with the carrying out of these doctrines and policies, President Roosevelt, during recent weeks, gave out a public statement expressing his disposition to open negotiations with the Cuban Government for the purpose of dealing with the treaty which has existed since 1903. I feel safe in undertaking to say that under our support of the general principle of nonintervention as has been suggested, no government need fear any intervention on the part of the United States under the Roosevelt administration. I think it unfortunate that during the brief period of this conference there is apparently not time within which to prepare interpreta-

tions and definitions of these fundamental terms that are embraced in the report. Such definitions and interpretations would enable every government to proceed in a uniform way without any difference of opinion or of interpretations. I hope that at the earliest possible date such very important work will be done. In the meantime in case of differences of interpretations and also until they (the proposed doctrines and principles) can be worked out and codified for the common use of every government, I desire to say that the United States Government in all of its international associations and relationships and conduct will follow scrupulously the doctrines and policies which it has pursued since March 4 which are embodied in the different addresses of President Roosevelt since that time and in the recent peace address of myself on the 15th day of December before this conference and in the law of nations as generally recognized and accepted.

The delegates of Brazil and Peru recorded the following private vote with regard to article 11: "That they accept the doctrine in principle but that they do not consider it codifiable because there are some countries which have not yet signed the Anti-War Pact of Rio de Janeiro of which this doctrine is a part and therefore it does not yet constitute positive international law suitable for codification."

#### Honduras:

M. PAZ BARAONA  
AUGUSTO C. COELLO  
LUIS BOGRÁN

#### United States of America:

ALEXANDER W. WEDDELL  
J. BUTLER WRIGHT

#### El Salvador:

HÉCTOR DAVID CASTRO  
ARTURO R. AVILA

#### Dominican Republic:

TULIO M. CESTERO

#### Haiti:

J. BARAU  
F. SALGADO  
EDMOND MANGONÉS  
A. PREE. PAUL

#### Argentina:

CARLOS SAAVEDRA LAMAS  
JUAN F. CAFFERATA  
RAMÓN S. CASTILLO  
I. RUIZ MORENO  
L. A. PODESTÁ COSTA  
D. ANTOKOLETZ

#### Venezuela:

LUIS CHURION  
J. R. MONTILLA

#### Uruguay:

A. MAÑÉ  
JOSÉ PEDRO VARELA  
MATEO MARQUES CASTRO  
DARDO REGULES  
SOFÍA ALVAREZ VIGNOLI DE DEMICHELI  
TEÓFILO PIÑEYRO CHAIN  
LUIS A. DE HERRERA  
MARTÍN R. ECHEGOYEN  
JOSÉ G. ANTUÑA  
J. C. BLANCO  
PEDRO MANINI RÍOS  
RODOLFO MEZZERA  
OCTAVIO MORATÓ  
LUIS MORQUIO  
JOSÉ SERRATO

#### Paraguay:

JUSTO PASTOR BENÍTEZ  
MARÍA F. GONZÁLEZ

#### Mexico:

B. VADILLO  
M. J. SIERRA  
EDUARDO SUÁREZ

#### Panama:

J. D. AROSEMENA  
MAGIN PONS  
EDUARDO E. HOLGUIN

#### Guatemala:

M. ARROYO

#### Brazil:

LUCILLO A. DA CUNHA BUENO  
GILBERTO AMADO

#### Ecuador:

A. AGUIRRE APARICIO  
H. ALBORNOZ  
ANTONIO PARRA V.  
C. PUIG V.  
ARTURO SCARONE

#### Nicaragua:

LEONARDO ARGÜELLO  
M. CORDERO REYES  
CARLOS CUADRA PASOS

#### Colombia:

ALFONSO LÓPEZ  
RAIMUNDO RIVAS

#### Chile:

MIGUEL CRUCHAGA  
J. RAMÓN GUTIÉRREZ  
F. FIGUEROA  
F. NIETO DEL RÍO  
B. COHEN

#### Peru (con la reserva establecida):

ALFREDO SOLF Y MURO

#### Cuba:

ALBERTO GIRAUDY  
HERMINIO PORTELL VILÁ  
ING. A. E. NOGUEIRA

The VICE PRESIDENT. If there be no amendment, the treaty will be reported to the Senate.

The treaty was reported to the Senate without amendment.

Mr. PITTMAN. I ask that the resolution of ratification, with the reservation, be read.

The Chief Clerk read as follows:

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive P (73d Cong., 2d sess.), the Convention on Rights and Duties of States adopted by the Seventh International Conference of American States at Montevideo, Uruguay, and signed on December 26, 1933, by plenipotentiaries of the United States of America and other countries represented in the said conference, but with the express reservation presented to the plenary session of the conference on December 22, 1933, which reservation reads as follows:*

"The delegation of the United States, in voting 'yes' on the final vote on this committee recommendation and proposal, makes the same reservation to the 11 articles of the project or proposal that the United States delegation made to the first 10 articles during the final vote in the full Commission, which reservation is in words as follows:

"The policy and attitude of the United States Government toward every important phase of international relationships in this hemisphere could scarcely be made more clear and definite than they have been made by both word and action, especially since March 4. I have no disposition, therefore, to indulge in any repetition or rehearsal of these acts and utterances and shall not do so. Every observing person must by this time thoroughly understand that under the Roosevelt administration the United States Government is as much opposed as any other government to interference with the freedom, the sovereignty, or other internal affairs or processes of the governments of other nations.

"In addition to numerous acts and utterances in connection with the carrying out of these doctrines and policies, President Roosevelt, during recent weeks, gave out a public statement expressing his disposition to open negotiations with the Cuban Government for the purpose of dealing with the treaty which has existed since 1903 [on May 31, 1934, the Senate advised and consented to the ratification of Executive Q (73d Cong., 2d sess.), which abrogates the treaty of May 22, 1903, between the United States and Cuba containing the so-called "Platt amendment"]. I feel safe in undertaking to say that under our support of the general principle of nonintervention, as has been suggested, no government need fear any intervention on the part of the United States under the Roosevelt administration. I think it unfortunate that during the brief period of this conference there is apparently not time within which to prepare interpretations and definitions of these fundamental terms that are embraced in the report. Such definitions and interpretations would enable every government to proceed in a uniform way without any difference of opinion or of interpretations. I hope that at the earliest possible date such very important work will be done. In the meantime, in case of differences of interpretations and also until they (the proposed doctrines and principles) can be worked out and codified for the common use of every government, I desire to say that the United States Government in all of its international associations and



relationships and conduct will follow scrupulously the doctrines and policies which it has pursued since March 4 which are embodied in the different addresses of President Roosevelt since that time and in the recent peace address of myself on the 15th day of December before this conference and in the law of nations as generally recognized and accepted."

The VICE PRESIDENT. The question is on agreeing to the reservation to the resolution of ratification.

The reservation was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended by the reservation. [Putting the question.] Two-thirds of the Senators present concurring therein the resolution as amended is agreed to, and the treaty is ratified.

#### SUPERVISION OF INTERNATIONAL TRADE IN ARMS

Mr. PITTMAN. I ask that the Senate now proceed to the consideration of Executive H (69th Cong., 1st sess.).

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive H (69th Cong., 1st sess.), a convention for the supervision of the international trade in arms and ammunition and in implements of war, signed at Geneva, Switzerland, June 17, 1925, which was read the second time, as follows:

#### CONVENTION FOR THE SUPERVISION OF THE INTERNATIONAL TRADE IN ARMS AND AMMUNITION AND IN IMPLEMENTS OF WAR

GERMANY, the UNITED STATES OF AMERICA, AUSTRIA, BELGIUM, BRAZIL, the BRITISH EMPIRE, CANADA, the IRISH FREE STATE and INDIA, BULGARIA, CHILE, CHINA, COLOMBIA, DENMARK, EGYPT, SPAIN, ESTHONIA, ABYSSINIA, FINLAND, FRANCE, GREECE, HUNGARY, ITALY, JAPAN, LATVIA, LITHUANIA, LUXEMBURG, NICARAGUA, NORWAY, PANAMA, the NETHERLANDS, PERSIA, POLAND, PORTUGAL, ROUMANIA, SALVADOR, SIAM, SWEDEN, SWITZERLAND, the KINGDOM OF THE SERBS, CROATS, and SLOVENES, CZECHOSLOVAKIA, TURKEY, URUGUAY and VENEZUELA,

Whereas the international trade in arms and ammunition and in implements of war should be subjected to a general and effective system of supervision and publicity;

Whereas such a system is not provided by existing Treaties and Conventions;

Whereas in relation to certain areas of the world a special supervision of this trade is necessary in order to render more effective the measures adopted by the various Governments as regards both the import of such arms and ammunition and implements of war into these areas and their export therefrom; and

Whereas the export or import of arms, ammunition or implements, the use of which in war is prohibited by International Law, must not be permitted for such purpose;

Have decided to conclude a Convention and have accordingly appointed as their Plenipotentiaries:

[Here follow the names of the Plenipotentiaries.]

Who, having communicated their full powers, found in good and due form, have agreed as follows:

#### CHAPTER I. CATEGORIES

##### ARTICLE 1

For the purposes of the present Convention, five Categories of arms, ammunition and implements are established:

#### CATEGORY I. ARMS, AMMUNITION AND IMPLEMENTS OF WAR EXCLUSIVELY DESIGNED AND INTENDED FOR LAND, SEA OR AERIAL WARFARE

A—Arms, ammunition and implements exclusively designed and intended for land, sea or aerial warfare, which are or shall be comprised in the armament of the armed forces of any State, or which, if they have been but are no longer comprised in such armament, are capable of military use to the exclusion of any other use, except such arms, ammunition and implements which, though included in the above definition, are covered by other Categories.

Such arms, ammunition and implements are comprised in the following twelve headings:

1. Rifles, muskets, carbines.
2. (a) Machine-guns, automatic rifles and machine-pistols of all calibres;  
(b) Mountings for machine-guns;  
(c) Interrupter gears.
3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above.

4. Gun-sighting apparatus including aerial gun-sights and bomb-sights, and fire-control apparatus.

5. (a) Cannon, long or short, and howitzers, of a calibre less than 5.9 inches (15 cm.);

(b) Cannon, long or short, and howitzers, of a calibre of 5.9 inches (15 cm.) or above;

(c) Mortars of all kinds;

(d) Gun carriages, mountings, recuperators, accessories for mountings.

6. Projectiles and ammunition of the arms enumerated in No. 5 above.

7. Apparatus for the discharge of bombs, torpedoes, depth charges and other kinds of projectiles.

8. (a) Grenades;

(b) Bombs;

(c) Land mines, submarine mines, fixed or floating, depth charges;

(d) Torpedoes.

9. Appliances for use with the above arms and apparatus.

10. Bayonets.

11. Tanks and armoured cars.

12. Arms and ammunition not specified in the above enumeration.

B.—Component parts, completely finished, of the articles covered by A above, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts.

#### CATEGORY II. ARMS AND AMMUNITION CAPABLE OF USE BOTH FOR MILITARY AND OTHER PURPOSES

A.—1. Pistols and revolvers, automatic or self-loading, and developments of the same, designed for single-handed use or fired from the shoulder, of a calibre greater than 6.5 mm. and length of barrel greater than 10 cm.

2. Fire-arms designed, intended or adapted for non-military purposes, such as sport or personal defence, that will fire cartridges that can be fired from fire-arms in Category I; other rifled fire-arms firing from shoulder, of a calibre of 6 mm. or above, not included in Category I, with the exception of rifled fire-arms with a "break-down" action.

3. Ammunition for the arms enumerated in the above two headings, with the exception of ammunition covered by Category I.

4. Swords and lances.

B.—Component parts, completely finished, of the articles covered by A above, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts.

#### CATEGORY III. VESSELS OF WAR AND THEIR ARMAMENT

1. Vessels of war of all kinds.
2. Arms, ammunition and implements of war mounted on board vessels of war and forming part of their normal armament.

#### CATEGORY IV

1. Aircraft, assembled or dismantled.
2. Aircraft engines.

#### CATEGORY V

1. Gunpowder and explosives, except common black gunpowder.
2. Arms and ammunition other than those covered by Categories I and II, such as pistols and revolvers of all models, rifled weapons with a "break-down" action, other rifled fire-arms of a calibre of less than 6 mm. designed for firing from the shoulder, smooth-bore shot-guns, guns with more than one barrel of which at least one barrel is smooth-bore, fire-arms firing rimfire ammunition, muzzle-loading fire-arms.

#### CHAPTER II. SUPERVISION AND PUBLICITY

##### ARTICLE 2

The High Contracting Parties undertake not to export or permit the export of articles covered by Category I, except in accordance with the following conditions:

1. The export shall be for a direct supply to the Government of the importing State or, with the consent of such Government, to a public authority subordinate to it;

2. An order in writing, which shall be signed or endorsed by a representative of the importing Government duly authorised so to act, shall have been presented to the

competent authorities of the exporting country. This order shall state that the articles to be exported are required for delivery to the importing Government or public authority as provided in paragraph 1.

## ARTICLE 3

Nevertheless, export for supply to private persons may be permitted in the following cases:

1. Articles covered by Category I exported direct to a manufacturer of war material for use by him for the requirements of his industry, provided their import has been duly authorised by the Government of the importing country;

2. Rifles, muskets and carbines and their ammunition exported for supply to rifle associations formed for the encouragement of individual sport and duly authorised by their own Government to use them, the import of which is not contrary to any other provisions of the present Convention. Such arms and ammunition shall be sent direct to the Government of the importing country for transmission by such Government to the associations for which they are supplied.

3. Samples of articles covered by Category I exported for demonstration purposes direct to a trade representative of the exporting manufacturer, such representative being duly authorised by the Government of the importing country to receive them.

In the above-mentioned cases, an order in writing, endorsed by the Government of the importing country or by its representative duly authorised so to act, must have been presented to the authorities of the exporting country. It shall contain all the information necessary to show that the order is properly made under this Article.

## ARTICLE 4

Permission to export under Articles 2 and 3 shall be signified by a licence. An export declaration, if filed with and approved by the competent authorities of the exporting country, may take the place of a licence.

Such licence or declaration must contain:

(a) A description sufficient for the identification of the articles to which it relates, and giving their designation according to the headings in Category I, and their number or weight;

(b) The name and address of the exporter;

(c) The name and address of the importing consignee;

(d) The name of the Government which has authorised the import.

Each separate consignment which crosses the frontier of the exporting country, whether by land, water or air, shall be accompanied by a document containing the particulars indicated above. This document may be either the licence or export declaration or a certified copy thereof or a certificate issued by the Customs authorities of the exporting country, stating that the consignment is exported under licence or export declaration in accordance with the provisions of the present Convention.

## ARTICLE 5

The articles covered by Category II shall only be exported under cover of an export document, which may be either a licence issued by the competent authorities of the exporting country or an export declaration endorsed by or filed with them. If the legislation of the importing country requires the endorsement of a duly authorised representative of its Government, and if this fact has been notified by the said Government to the Government of the exporting country, then such an endorsement must have been obtained and submitted to the competent authorities of the exporting country before the export may take place.

Neither the licence nor the export declaration shall entail any responsibility upon the Government of the exporting country as to the destination or ultimate use of any consignment.

Nevertheless, if the High Contracting Parties consider, on account of the size, destination or other circumstances of a consignment, that the arms and ammunition consigned are intended for war purposes, they undertake to apply to such consignment the provisions of Articles 2, 3 and 4.

## ARTICLE 6

As a preliminary to a general system of publicity for armaments irrespective of their origin, the High Contracting Parties undertake to publish, within two months of the close of each quarter, a statistical return of their foreign trade during this quarter in the articles covered by Categories I and II. This return shall be drawn up in accordance with the specimen forms contained in Annex I to the present Convention and shall show under each heading appearing in Categories I and II in Article 1 the value and the weight or number of the articles exported or imported under a licence or export declaration, allocated according to country of origin or destination.

In all cases where the consignment comes from, or is sent to, a territory possessing an autonomous Customs system, such territory shall be shown as the country of origin or destination.

The High Contracting Parties further undertake, so far as each may be concerned, to publish within the same time-limits a return containing the same information in respect of the consignments of articles covered by Categories I and II to other territories placed under their sovereignty, jurisdiction, protection or tutelage, or under the same sovereignty, jurisdiction, protection or tutelage.

The first statistical return to be published by each of the High Contracting Parties shall be for the quarter beginning on the first day of January, April, July or October, subsequent to the date on which the present Convention comes into force with regard to the High Contracting Party concerned.

The High Contracting Parties undertake to publish as an annex to the above-mentioned return the text of the provisions of all statutes, orders or regulations in force within their territory dealing with the export and import of articles covered by Article 1, and to include therein all provisions enacted for the purpose of carrying out the present Convention. Amendments and additions to these provisions shall be likewise published in annexes to subsequent quarterly returns.

## ARTICLE 7

The High Contracting Parties, in all cases covered by Category III, undertake to publish within two months of the close of each quarter a return for that quarter, giving the information detailed below for each vessel of war constructed, in course of construction or to be constructed within their territorial jurisdiction on behalf of the Government of another State:

(a) The date of the signing of the contract for the construction of the vessel, the name of the Government for which the vessel is ordered, together with the following data:

Standard displacement in tons and metric tons;

The principal dimensions, namely: length at water-line, extreme beam at or below water-line, mean draft at standard displacement;

(b) The date of laying the keel, the name of the Government for which the vessel is being constructed, together with the following data:

Standard displacement in tons and metric tons;

The principal dimensions, namely: length at water-line, extreme beam at or below water-line, mean draft at standard displacement;

(c) The date of delivery, the name of the Government to which the vessel is delivered, together with the following data with respect to the vessel at that date:

Standard displacement in tons and metric tons;

The principal dimensions, namely: length at water-line, extreme beam at or below water-line, mean draft at standard displacement;

As well as the following information regarding the armament installed on board the vessel at the date of delivery and forming part of the vessel's normal armament:

Number and calibre of guns;

Number and calibre of torpedo-tubes;

Number of bomb-throwers;

Number of machine-guns.



The above information concerning the armament of the vessel shall be furnished by means of a statement signed by the shipbuilder and countersigned by the commanding officer or such other representative fully authorised for the purpose by the Government of the State to whom the vessel is delivered. Such statement shall be transmitted to the competent authority of the Government of the constructing country.

Whenever a vessel of war belonging to one of the High Contracting Parties is transferred, whether by gift, sale or other mode of transfer, to the Government of another State, the transferor undertakes to publish within two months of the close of the quarter within which the transfer is effected the following information:

The date of transfer, the name of the Government to whom the vessel has been transferred and the data and information referred to in paragraph (c) above.

By the standard displacement in the present Article is to be understood the displacement of the vessel complete, fully manned, engined and equipped ready for sea, including all armament and ammunition, equipment, outfit, provisions and fresh water for crew, miscellaneous stores and implements of every description that are intended to be carried in war, but without fuel or reserve feed-water on board.

#### ARTICLE 8

Without prejudice to the provisions of Article 7, if the transport of any vessel of war is carried out otherwise than by such vessels' own motive power or towage, the vessel, whether assembled or in component parts, and the armament thereof will become subject also to the provisions of this Convention as if they were included in Category I.

#### ARTICLE 9

The High Contracting Parties undertake to publish, within six months of the close of each quarter, a return for that quarter of the export of aircraft and aircraft engines, giving quantities exported and their allocation according to country of destination.

#### ARTICLE 10

Subject to the provisions of Chapter III, the articles covered by Categories IV and V may be exported without formalities or restrictions.

#### ARTICLE 11

The High Contracting Parties undertake not to apply a more favourable regime to imports of articles referred to in Article 1 coming from territories of non-contracting States than that which they will apply to such imports coming from territories of contracting States, and to subject these imports, of whatever origin, to the same conditions of authorisation and, so far as possible, of publicity.

### CHAPTER III. SPECIAL ZONES

#### ARTICLE 12

The High Contracting Parties agree that the provisions of this Chapter apply to the territorial and maritime zones hereinafter defined and referred to in the present Convention as the "special zones."

##### 1. Land zone.

(a) The whole of the continent of Africa, with the exception of Egypt, Lybia, Tunisia, Algeria, the Spanish possessions in North Africa, Abyssinia, and of the Union of South Africa together with the territory under its mandate, and of Southern Rhodesia.

This zone also includes the adjacent islands which are situated within 100 marine miles from the coast thereof and also Prince's Island (Príncipe) in the Bight of Biafra, St. Thomas (São Thomé), Annobon and Socotra, but does not include the Spanish islands situated to the north of the parallel of 26° North latitude.

(b) The Arabian peninsula, Gwadar, Syria and Lebanon, Palestine and Transjordan, and Iraq.

##### 2. Maritime zone.

A maritime zone, which includes the Red Sea, the Gulf of Aden, the Persian Gulf and the Gulf of Oman and is bounded by a line drawn from and following the latitude of Cape Guardafui to the point of intersection with longitude 57° East of Greenwich and proceeding thence direct

to the point at which the eastern frontier of Gwadar meets the sea.

#### ARTICLE 13

The High Contracting Parties undertake not to export or to permit articles covered by Categories I, II, IV and V to be exported to places within the special zones, unless a licence has been issued in conformity with the conditions defined in Article 14.

An export declaration, if filed with and approved by the competent authorities of the exporting country, may take the place of a licence.

The High Contracting Parties also undertake, each in respect of any territory under its sovereignty, jurisdiction, protection or tutelage situated within the special zones, not to permit articles covered by the Categories above mentioned to be imported into such territory unless their import has been authorised by the authorities of the territory concerned. Such articles shall only be admitted into territory within the special zones at such ports or other places as the authorities of the State, colony, protectorate or mandated territory concerned shall designate for this purpose.

#### ARTICLE 14

The High Contracting Parties undertake not to issue the export licences nor to approve the export declarations required under Article 13 unless they are satisfied that the conditions stated in paragraph (a) or (b) hereof are fulfilled and also, as regards articles covered by Categories I and II, the conditions laid down in Articles 2, 3, 4 and 5.

(a) That, if an export is being made to territory under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party, articles covered by Categories I, II and IV to which the licence or export declaration applies are required for lawful purposes and that the authorities of the territory to which they are consigned are willing to admit them; and that, in the case of articles covered by Category V, a copy of the licence or export declaration has been set to the authorities aforesaid before the export takes place.

(b) That, if an export is being made to territory which is not under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party, articles covered by Categories I, II, IV and V are required for lawful purposes.

#### ARTICLE 15

The High Contracting Parties undertake to publish, in addition to the returns provided for in Article 6 and Article 9 in respect of articles covered by Categories I, II and IV, a return of articles covered by Category V exported to territory situated within the special zones. This return shall be published within the same time-limits and at the same intervals as those provided in the first paragraph of Article 6, and shall contain, as far as possible, the same particulars.

#### ARTICLE 16

The trade in articles covered by Categories I, II, IV and V within the special zones shall be placed under the supervision of officials of the authorities of the State, colony, protectorate or mandated territory concerned.

The admission and transit of and trade in such articles within the said zones shall also be subject to the provisions of Section I, §§ 1 and 2, of Annex II of the present Convention, to which provisions the High Contracting Parties undertake to conform.

An authorisation must be given by a duly authorised representative of the authorities aforesaid in each case before any such articles may be reconsigned to any place outside the territory to which they have been admitted.

#### ARTICLE 17

The manufacture, assembly and repair within the special zones of articles covered by Categories I, II, IV and V shall be subject to the provisions of Section I, § 3, of Annex II of the present Convention, to which provisions the High Contracting Parties undertake to conform.

#### ARTICLE 18

The High Contracting Parties undertake, each in respect of any territory under its sovereignty, jurisdiction, protection or tutelage situated within the special zones, not to permit the transit by land across such territory of articles covered by Categories I, II, IV and V when their destination

is another territory also situated in the special zones, unless their transport to their destination is assured and the authorities of the latter territory have authorised their import.

The prohibition referred to in the above paragraph shall not apply to the transit of such articles through a territory situated in the special zones when their destination is territory of one of the High Contracting Parties not included in the said zones, provided that their transport to their destination is assured.

If, for the purposes of transport to a territory situated within the special zones, it is necessary to pass through a contiguous territory likewise situated within the said zones, the transit shall be permitted, subject always to the conditions laid down in the first paragraph hereof, at the request of the authorities of the importing territory, provided that such authorities guarantee that the articles in respect of which the request is made shall not at any time be sold, or otherwise transferred, contrary to the provisions of the present Convention. Nevertheless, if the attitude or the disturbed condition of the importing State constitutes a threat to peace or public order, permission for transit shall be refused to such State by the authorities of all such contiguous territories until this threat has ceased to exist.

## ARTICLE 19

Subject to any contrary provisions in existing special agreements or in any future agreements, provided that in all cases such agreements otherwise comply with the provisions of the present Convention, the High Contracting Parties agree that in the special zones the authorities of the State, colony, protectorate or mandated territory concerned shall carry out within their territorial waters the supervision and police measures necessary for the application of the present Convention.

## ARTICLE 20

The High Contracting Parties agree that within the special zones no native vessel, as hereinafter defined, of less than 500 tons (net tonnage) shall be allowed to ship, discharge or tranship articles covered by Categories I, II, IV and V.

A vessel shall be deemed to be a native vessel if she is either owned, fitted out or commanded by a native of any country bordering on the Indian Ocean west of the meridian of 95° East of Greenwich and north of the parallel of 11° South latitude, the Red Sea, the Persian Gulf, or the Gulf of Oman, or if at least one-half of the crew are natives of such countries.

The provisions of paragraph 1 hereof do not apply to lighters or barges or to vessels engaged exclusively in the coasting trade between different ports of the same State, colony, protectorate or mandated territory where warehouses are situated. The conditions under which articles covered by Categories I, II, IV, and V may be carried by such vessels are laid down in § 1 of Section II, of Annex II of the present Convention, to which the High Contracting Parties undertake to conform.

The provisions of this Article and of Section II, § 1, of Annex II do not apply:

- (a) To arms, ammunition or implements carried on behalf of a Government either under an authorisation or accompanied by a duly authorised official of such Government; or
- (b) To arms and ammunition in the possession of persons provided with a licence to carry arms on the condition that such arms are for the personal use of the bearer and are accurately described in such licence.

## ARTICLE 21

The High Contracting Parties agree that, with the object of preventing all illicit conveyance within the special zones of articles covered by Categories I, II, IV, and V, all native vessels within the meaning of Article 20 must carry a manifest of their cargo or a similar document specifying the quantities and nature of the goods on board, their origin and destination. This manifest shall remain covered by the secrecy to which it is entitled by the law of the State to which the vessel belongs, and must not be examined during proceedings for the verification of the flag, unless the interested party consents thereto.

The provisions of this Article shall not apply to:

- (a) Vessels exclusively engaged in the coasting trade between different ports of the same State, colony, protectorate or mandated territory; or
- (b) Vessels engaged in carrying arms, ammunition and implements on behalf of a Government under the conditions defined in Article 20 (a) and proceeding to or from any point within the said zones; or
- (c) Vessels only partially decked, having a maximum crew of ten men, and exclusively employed in fishing within territorial waters.

## ARTICLE 22

The High Contracting Parties agree that no authorisation to fly the flag of any of such High Contracting Parties shall be granted to native vessels of less than 500 tons (net tonnage) as defined in Article 20, except in accordance with the conditions prescribed in Section II, §§ 3 and 4, of Annex II of the present Convention. Such authorisation, which shall be in writing, shall be renewed every year and shall contain the particulars necessary to identify the vessel, the name, tonnage, type of rigging, principal dimensions, registered number and signal letters if any. It shall bear the date on which it was granted and the status of the official who granted it.

## ARTICLE 23

The High Contracting Parties agree to communicate to any other High Contracting Party who so requests the forms of the documents to be issued by them under Articles 20 (a), 21 and 22 and Section II, § 1, of Annex II of the present Convention.

The High Contracting Parties further agree to take all necessary measures to ensure that the following documents shall be supplied as soon as possible to any other High Contracting Party who has requested the same:

- (a) Certified copies of all authorizations to fly the flag granted under the provisions of Article 22;
- (b) Notice of the withdrawal of such authorisations;
- (c) Copies of authorisations issued under Section II, § 1, of Annex II.

## ARTICLE 24

The High Contracting Parties agree to apply in the maritime zone the regulations laid down in Annex II, Section II, § 5, of the present Convention.

## ARTICLE 25

The High Contracting Parties agree that any illicit conveyance or attempted conveyance legally established against the captain or owner of a vessel authorised to fly the flag of one of the High Contracting Parties, or holding the licence provided for in Section II, § 1, of Annex II, of the present Convention, shall entail the immediate withdrawal of the said authorisation or licence.

## ARTICLE 26

The High Contracting Parties who have under their sovereignty, jurisdiction, protection or tutelage territory situated within the special zones, undertake, so far as each is concerned, to take the necessary measures to ensure the application of the present Convention and, in particular, the prosecution and punishment of offences against the provisions thereof, and to appoint the territorial and consular officers or competent special representatives for the purpose.

They will communicate these measures to such High Contracting Parties as shall have expressed the desire to be informed thereof.

## ARTICLE 27

The High Contracting Parties agree that the provisions of Articles 16 to 26 inclusive and Annex II of the present Convention establishing a certain regime of supervision in the special zones shall not be interpreted, as regards such High Contracting Parties as have no territory under their sovereignty, jurisdiction, protection or tutelage within or immediately adjacent to the said special zones, either as constituting an obligation to apply the regime defined in the above-mentioned provisions or as involving their responsibility with respect to the application of this regime.

However, the said High Contracting Parties shall conform to the provisions of Articles 22, 23 and 25, which relate to



the conditions under which native vessels under 500 tons (net tonnage) may be authorised to fly the flag of such High Contracting Parties.

#### CHAPTER IV. SPECIAL PROVISIONS

##### ARTICLE 28

Abyssinia, desirous of rendering as effective as possible the supervision of the trade in arms and ammunition and in implements of war, which is the subject of the present Convention, hereby undertakes, in the free exercise of her sovereign rights, to put into force, so far as concerns her own territory, all regulations which may be necessary to fulfil the provisions of Articles 12 to 18 inclusive of the said Convention relating to exports, imports and the transport of arms, ammunition and implements of war.

The High Contracting Parties take note of the above undertaking, and, being in full sympathy with the desire of Abyssinia to render as effective as possible the supervision of the trade in arms and ammunition and in implements of war, hereby undertake to conform to the provisions of the above-mentioned Articles so far as concerns Abyssinian territory, and to respect the regulations put into force, in accordance with the said undertaking, by Abyssinia as a sovereign State.

If a State, at present included in the special zones, should at the moment of its accession to the present Convention assume with respect to its own territory the same undertakings as those set forth in the first paragraph of this Article, and also, when such State possesses a sea-coast, those contained in Articles 19 to 26 inclusive in so far as the same are applicable, the High Contracting Parties hereby declare that they will consider such State as excluded from the said zones from the date that its accession becomes effective as specified in Article 41 and that they will accept as regards such State the obligations set forth in the second paragraph of the present Article, and also, when the State excluded possesses a sea-coast, the obligations of Articles 19 to 27 inclusive in so far as they are applicable.

##### ARTICLE 29

The High Contracting Parties agree to accept reservations which may be made by Esthonia, Finland, Latvia, Poland, and Roumania at the moment of their signature of the present Convention and which shall suspend in respect to these States, until the accession of Russia to the present Convention, the application of Articles 6 and 9, as regards both export to and import into these countries by the High Contracting Parties. These reservations shall not be interpreted as preventing the publication of statistics in accordance with the laws and regulations in effect within the territory of any High Contracting Party.

##### ARTICLE 30

The High Contracting Parties who possess extra-territorial jurisdiction in the territory of another State party to the present Convention undertake in cases where the rules of this Convention cannot be enforced by the local courts as regards their nationals in such territory to prohibit all action by such nationals contrary to the provisions of the present Convention.

#### CHAPTER V. GENERAL PROVISIONS

##### ARTICLE 31

The provisions of the present Convention are completed by those of Annexes I and II, which have the same value and shall enter into force at the same time as the Convention itself.

##### ARTICLE 32

The High Contracting Parties agree that the provisions of the present Convention do not apply:

(a) To arms or ammunition or to implements of war forwarded from territory under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party for the use of the armed forces of such High Contracting Party, wherever situated, nor

(b) To arms or ammunition carried by individual members of such forces or by other persons in the service of a

High Contracting Party and required by them by reason of their calling, nor

(c) To rifles, muskets, carbines and the necessary ammunition therefor, carried by members of rifle clubs for the sole purpose of individual use in international competitions in marksmanship.

##### ARTICLE 33

In time of war, and without prejudice to the rules of neutrality, the provisions of Chapter II shall be suspended from operation until the restoration of peace so far as concerns any consignment of arms or ammunition or of implements of war to or on behalf of a belligerent.

##### ARTICLE 34

All the provisions of general international Conventions anterior to the date of the present Convention, such as the Convention for the Control of the Trade in Arms and Ammunition and the Protocol signed at St. Germain-en-Laye on September 10th, 1919, shall be considered as abrogated in so far as they relate to the matter dealt with in the present Convention and are binding between the Powers which are Parties to the present Convention.

The present Convention shall not be deemed to affect any rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, St. Germain and Trianon, or of the Treaty Limiting Naval Armaments signed at Washington on February 6th, 1922, or of any other treaty, convention, agreement or engagement concerning prohibition of import, export or transit of arms or ammunition or of implements of war; nor, without prejudice to the provisions of the present Convention itself, shall it affect any other treaty, convention, agreement or engagement other than those referred to in paragraph 1 of the present Article having as its object the supervision of import, export or transit of arms or ammunition or of implements of war.

##### ARTICLE 35

The High Contracting Parties agree that disputes arising between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the States to such a dispute should not be parties to the Protocol of December 16th, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the Parties and in accordance with the constitutional procedure of each State, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Hague Convention of October 18th, 1907, or to some other court of arbitration.

##### ARTICLE 36

Any High Contracting Party may declare that its signature or ratification or accession does not, as regards the application of the provisions of Chapter II and of Articles 13, 14 and 15 of the present Convention, bind either all or any one of the territories subject to its sovereignty, jurisdiction or protection, provided that such territories are not situated in the special zones as defined in Article 12.

Any High Contracting Party which has made such a declaration may, subsequently, and in conformity with the provisions of Article 37, adhere entirely to the present Convention for any territories so excluded. Such High Contracting Party will use its best endeavours to ensure as soon as possible the accession of any territories so excluded.

Any High Contracting Party may also, as regards the application of the provisions of Chapter II and of Articles 13, 14 and 15 of the present Convention, and in conformity with the procedure laid down in Article 38, denounce the present Convention separately in respect of any territory referred to above.

Any High Contracting Party which shall have availed itself of the option of exclusion or of denunciation provided for in the preceding paragraphs undertakes to apply the provisions of Chapter II to consignments destined for territories in respect of which the option has been exercised.

## ARTICLE 37

The High Contracting Parties will use their best endeavours to secure the accession to the present Convention of other States.

Each accession will be notified to the Government of the French Republic and by the latter to all the signatory or acceding States.

The instruments of accession shall remain deposited in the archives of the Government of the French Republic.

## ARTICLE 38

The present Convention may be denounced by any High Contracting Party thereto after the expiration of four years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the Government of the French Republic, which will forthwith transmit copies of such notification to the other Contracting Parties, informing them of the date on which it was received.

A denunciation shall take effect one year after the date of the receipt of the notification thereof by the Government of the French Republic and shall operate only in respect of the notifying State.

In case a denunciation has the effect of reducing the number of States parties to the Convention below fourteen, any of the remaining High Contracting Parties may also, within a period of one year from the date of such denunciation, denounce the Convention without waiting for the expiration of the period of four years mentioned above and may require that its denunciation shall take effect at the same date as the first-mentioned denunciation.

## ARTICLE 39

The High Contracting Parties agree that, at the conclusion of a period of three years from the coming into force of the present Convention under the terms of Article 41, this Convention shall be subject to revision upon the request of one-third of the said High Contracting Parties addressed to the Government of the French Republic.

## ARTICLE 40

The present Convention, of which the French and English texts are both authentic, is subject to ratification. It shall bear to-day's date.

Each Power shall address its ratification to the Government of the French Republic, which will at once notify the deposit of ratification to each of the other signatory Powers.

The instruments of ratification will remain deposited in the archives of the Government of the French Republic.

## ARTICLE 41

A first proces-verbal of the deposit of ratifications will be drawn up by the Government of the French Republic as soon as the present Convention shall have been ratified by fourteen Powers.

The Convention shall come into force four months after the date of the notification of this proces-verbal by the Government of the French Republic to all signatory Powers.

Subsequently, the Convention will come into force in respect of each High Contracting Party four months after the date on which its ratification or accession shall have been notified by the Government of the French Republic to all signatory or acceding States.

In witness whereof, the above-mentioned Plenipotentiaries have signed the present Convention.

Done at Geneva, in a single copy, this seventeenth day of June, One Thousand Nine Hundred and Twenty-Five.

For Germany

H. VON ECKARDT

For the United  
States of  
America

THEODORE E. BURTON  
HUGH S. GIBSON

For Austria

E. PFLÜGL

For Belgium

\_\_\_\_\_

For Brazil

Contre-Amiral A. C. DE SOUZA E SILVA  
Major ESTEVAO LEITAO DE CARVALHO.

Brazil reserves the right, during the whole period of application of the present Convention, to execute it, in so far as she is concerned, in accordance with the spirit of the clauses which aim at rendering the supervision general both as regards the trade in and the manufacture of armaments.

For the British Empire

I declare that my signature does not bind India or any British Dominion which is a separate Member of the League of Nations and does not separately sign or adhere to the Convention.

ONSLow

For Canada

\_\_\_\_\_

For the Irish  
Free State

\_\_\_\_\_

For India

P. Z. Cox

For Bulgaria

\_\_\_\_\_

For Chile

Général de Division LUIS CABRERA

For China

\_\_\_\_\_

For Colombia

\_\_\_\_\_

For Denmark

\_\_\_\_\_

For Egypt

\_\_\_\_\_

For Spain

EMILIO DE PALACIOS

For Esthonia

Subject to the suspension of the application of Articles 6 and 9 in virtue of the right accorded to Esthonia by Article 29.

J. LAIDONER

For Abyssinia

GUÉTATCHOU  
BLATA HEROUY HEROUY  
A. TASFAE

For Finland

Subject to the suspension of the application of Articles 6 and 9 in virtue of the right accorded to Finland by Article 29.

O. ENCKELL

For France

B. CLAUZEL

For Greece

\_\_\_\_\_

For Hungary

Dr. BARANYAI ZOLTÁN

For Italy

PIETRO CHIMIENTI  
ALBERTO DE MARINIS-STENDARDO

For Japan

M. MATSUDA

For Latvia

Subject to the suspension of the application of Articles 6 and 9 in virtue of the right accorded to Latvia by Article 29.

Colonel HARTMANIS

For Lithuania

\_\_\_\_\_

For Luxemburg

CH. G. VERMAIRE

For Nicaragua

\_\_\_\_\_

For Norway

\_\_\_\_\_

For Panama

\_\_\_\_\_



For the Netherlands

For Persia

For Poland

Subject to the suspension of the application of Articles 6 and 9 in virtue of the right accorded to Poland by Article 29.

Général CASIMIR SOSNKOWSKI  
G. D. MORAWSKI

For Portugal

For Roumania

*Ad referendum* subject to the reservation provided for in Article 29 of the Convention to the effect that the application of Articles 6 and 9 as regards both export to and import into Roumania by the High Contracting Parties shall be suspended until the adhesion of Russia to the present Convention and to its Annexes.

N. P. COMNENE

Général T. DUMITRESCU

For Salvador

J. GUSTAVO GUERRERO

For Siam

For Sweden

For Switzerland

For the Kingdom of the Serbs, Croats and Slovenes

J. DOUTCHITCH

Général KALAFATOVITCH

Capt. d. frég. MARIASEVITCH

For Czechoslovakia

Dr. VEVERKA, FERDINAND

For Turkey

For Uruguay

For Venezuela

## ANNEX I

## STATISTICAL FORMS

## Form I

Imports<sup>1</sup> into \_\_\_\_\_ (name of importing country)  
during the \_\_\_\_\_ quarter of 19\_\_\_\_

Description <sup>2</sup> of arms and ammunition and imple- ments of war accord- ing to the headings in attached schedule	Countries of Origin						Total		
	A <sup>3</sup>				Z <sup>1</sup>				
	No. of arti- cles	Weight	De- clared value <sup>4</sup>		No. of arti- cles	Weight	De- clared value <sup>4</sup>	No. of arti- cles	Weight
Totals									

## EXPLANATORY NOTES

<sup>1</sup> The imports included in this table shall be the general imports of arms and ammunition and of implements of war set out in the attached schedule, arriving from abroad, i.e., the total of the goods imported for home consumption, into warehouse, free zones, free ports and all other places excluded from the Custom-territory, also temporary imports, improvement trade, etc., but excluding goods for transit or transshipment.

When temporary warehousing pending transit or transshipment is permitted, arms and ammunition and implements of war arriving under these conditions shall not be considered as imports, provided that the consignments are accompanied by a license or similar document mentioned in Article 4 of the present Convention showing some other country as destination.

<sup>2</sup> Arms and ammunition and implements of war covered by Category I shall be tabulated separately from those in Category II.

<sup>3</sup> Name of country which issued the license or similar document mentioned in Article 4 of the present Convention. But when the goods come from a Colony or Dependency, not issuing licences in its own name, but having an autonomous Customs system, such colony or dependency shall be shown as the country of origin.

<sup>4</sup> In legal currency of the importing country. In cases where the values are the result of conversion on a gold standard basis, this fact should be expressly mentioned in the heading of this column. In all cases the value shall be shown, except in the case of samples referred to in Article 3, paragraph 3, of the Convention when it is not obligatory.

## Form II

Exports and Re-exports<sup>1</sup> from \_\_\_\_\_ (name of exporting country) during the \_\_\_\_\_ quarter of 19\_\_\_\_

Description <sup>2</sup> of arms and am- munition and im- plements of war ac- cording to the head- ings in at- tached schedule	Countries of Destination						Total		
	A <sup>3</sup>			Z <sup>3</sup>					
	No. of arti- cles	Weight	De- clared value <sup>4</sup>	No. of arti- cles	Weight	De- clared value <sup>4</sup>	No. of arti- cles	Weight	De- clared value <sup>4</sup>
Totals									

## EXPLANATORY NOTES

<sup>1</sup> The exports and re-exports included in this table shall be the general exports and re-exports of arms and ammunition and implements of war set out in the attached schedule leaving for abroad, i.e., the total of the goods exported and re-exported from the internal market from warehouse, free zones, free ports and all other places excluded from the Customs territory, also temporary exports and re-exports, improvement trade, etc., but excluding goods for transit or transshipment.

When temporary warehousing pending transit or transshipment is permitted, the arms and ammunition and implements of war arriving under these conditions shall not be considered as imports provided that the consignments are accompanied by a license or similar document mentioned in Article 4 of the present Convention showing some other country as destination.

<sup>2</sup> Arms and ammunition and implements of war covered by Category I shall be tabulated separately from those in Category II.

<sup>3</sup> Country in whose favour the license or similar document mentioned in Article 4 of the present Convention has been issued. In the case of an application by a mother-country on behalf of a Colony or Dependency having an autonomous Customs regime, such Colony or Dependency should be shown as country of destination.

<sup>4</sup> In legal currency of the exporting country. In cases where the values are the result of conversion on a gold standard basis, this fact should be expressly mentioned in the title of this column. In all cases value shall be shown, except in the case of samples referred to in Article 3, paragraph 3, of the Convention when it is not obligatory.

## SCHEDULE

## CATEGORY I. ARMS, AMMUNITION AND IMPLEMENTS OF WAR EXCLUSIVELY DESIGNED AND INTENDED FOR LAND, SEA OR AERIAL WARFARE

Arms and ammunition and implements exclusively designed and intended for land, sea or aerial warfare, which are, or shall be, comprised in the armament of the armed forces of any State, or which, if they have been, are no longer comprised in such armament but are capable of military to the exclusion of any other use, except such arms, ammunition and implements which, though included in the above definition, are covered in other categories.

Such arms, ammunition and implements are comprised in the following twelve headings:

1. Rifles, muskets, carbines (number).
2. (a) Machine-guns, automatic rifles and machine-pistols of all calibres (number);  
(b) Mountings for machine-guns (number);  
(c) Interrupter gears (number).
3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above (number).
4. Gun-sighting apparatus including aerial gun-sights and bomb-sights, and fire-control apparatus (number).
5. (a) Cannon, long or short, and howitzers, of a calibre less than 5.9 inches (15 cm.) (number);  
(b) Cannon, long or short, and howitzers, of a calibre of 5.9 inches (15 cm.) or above (number);  
(c) Mortars of all kinds (number);  
(d) Gun carriages (number), mountings (number), recuperators (number), accessories for mountings (weight).
6. Projectiles and ammunition for the arms enumerated in No. 5 above (number).
7. Apparatus for the discharge of bombs, torpedoes, depth charges and other kinds of projectiles (number).
8. (a) Grenades (number);  
(b) Bombs (number);  
(c) Land mines, submarine mines, fixed or floating, depth charges (number);  
(d) Torpedoes (number).
9. Appliances for use with the above arms and apparatus (number).
10. Bayonets (number).
11. Tanks and armoured cars (number).

12. Arms and ammunition not specified in the above enumeration (number or weight).

Components parts, completely finished, of the articles covered by the above headings, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts, should be entered separately, by weight, under each of the above headings or subheadings to which they belong.

CATEGORY II. ARMS AND AMMUNITION CAPABLE OF USE BOTH FOR MILITARY AND OTHER PURPOSES

1. Pistols and revolvers, automatic or self-loading, and developments of the same, designed for single-handed use or fired from the shoulder, of a calibre greater than 6.5 mm. and length of barrel greater than 10 cm. (number).

2. Fire-arms designed, intended or adapted for non-military purposes, such as sport or personal defence, that will fire cartridges that can be fired from fire-arms in Category I. Other rifled fire-arms, firing from the shoulder of a calibre of 6 mm. or above not included in Category I, with the exception of rifled fire-arms with a "break-down" action (number).

3. Ammunition for the arms enumerated in the above two headings, with the exception of ammunition covered by Category I (number).

4. Swords and lances (number).

Component parts, completely finished, of the articles covered by the above headings, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts, should be entered separately, by weight, under each of the above headings or sub-headings to which they belong.

ANNEX II

SUPERVISION WITHIN THE SPECIAL ZONES

Section I. Supervision on Land

§ 1

All articles covered by Categories I, II, IV and V admitted into the territory of a State, colony, protectorate or mandated territory situated in the special zones, except such articles imported by individuals for their personal use under an authorisation issued by the authorities of the territory concerned, shall be deposited by the importer at his own expense and risk in a public warehouse maintained under the exclusive custody and permanent supervision of the authorities aforesaid or their officials, of whom at least one must be a member of their armed forces, and who shall keep an official record of such deposit.

Every withdrawal from a public warehouse must be authorized beforehand by such authorities. No such authorisation shall be given except for the purposes of transfer to another public warehouse or to a private warehouse duly approved by the said authorities or for delivery to individuals who have proved to the satisfaction of the said authorities that the articles are necessary to them for their personal use.

Articles required for the equipment of the national forces or for the defence of the territory are exempted from all formalities in connection with deposit in or withdrawal from a public warehouse.

§ 2

No private warehouse for articles covered by Categories I, II, IV and V shall be allowed within the special zones unless authorised by the authorities of the State, colony, protectorate or mandated territory. Such warehouse must consist of enclosed premises, reserved for that purpose and having only one entry, which must be fitted with two locks, one of which can be opened only by officials of the authorities.

The person in charge of the warehouse shall be responsible for all such articles deposited therein and must account for them on demand by the authorities.

Such articles must not be withdrawn from the warehouse nor be transported or transferred without a special authorisation. The particulars entered on such authorisations shall be noted in a special register numbered and initialed.

Every arm imported under the provisions of § 1 by an individual for his personal use or transferred under the provisions of the same § from a public warehouse to a private warehouse or a private individual must be registered. A mark shall be stamped thereon if it does not already bear another mark or a number sufficient for identification. The

mark or number shall be noted in the license to carry arms issued by the authorities.

§ 3

The manufacture or assembly within the special zones of articles covered by Categories I, II, IV and V is prohibited otherwise than in establishments instituted for the defence of the territory or maintenance of public order by the authorities of the territory concerned, or in the case of mandated territory by such authorities under the supervision of the mandatory Power.

The repair of such articles shall only be carried out in establishments instituted by the authorities or in private establishments which shall have been authorised for this purpose by the said authorities. Such authorisation shall not be granted without guarantees for the observance of the rules of the present Convention.

Section II. Maritime supervision

§ 1

Cargoes of articles covered by Categories I, II, IV and V shipped on board the lighters, barges or coasting vessels referred to in Article 20, paragraph 3, must be covered by a special licence issued by the authorities of the State, colony, protectorate or mandated territory in which such cargoes are shipped, and containing the particulars specified in § 2 hereof. All articles so shipped shall in addition be subject to the provisions of the present Convention.

§ 2

Special licences referred to in § 1 of Section II of the present Annex shall contain the following particulars:

(a) A statement of the nature and quantity of the articles in respect of which the licence is issued.

(b) The name of the vessel on which the cargoes are to be shipped.

(c) The name of the ultimate consignee.

(d) The ports of loading and discharge.

It shall be certified on such licences that they have been issued in conformity with the provisions of the present Convention.

§ 3

An authorisation to fly the flag of a High Contracting Party may only be granted by the authorities mentioned in paragraph (b) below, and subject to the three following conditions:

(a) The owners must be nationals of the Power whose flag they claim to fly or companies who are nationals under the laws of that Power.

(b) The owners must have furnished proof that they are *bona fide* owners of real estate in the territory of the authorities to whom the application for a license is addressed, or have given to such authorities sufficient guarantees for the payment of any fines to which they may become liable.

(c) The owners and the captain of the vessel must have furnished proof that they enjoy a good reputation and, in particular, that they have never been convicted of illicit conveyance of arms or ammunition or implements of war.

§ 4

All native vessels before they are authorised to fly the flag of a High Contracting Party shall have complied with the following regulations for the purpose of their identification at sea:

(a) The initial letters of the port of registration of the native vessel, followed by the vessel's registration number in the serial port numbers, must be incised and painted in white on black ground on both quarters of each vessel in such a position as to be easily distinguishable from a distance.

(b) The net tonnage of the native vessel shall also, if practicable, be incised and painted inside the hull in a conspicuous position.

§ 5

The regulations referred to in Article 24 of the present Convention are as follows:

1. When a warship belonging to one of the High Contracting Parties encounters within the maritime zone but



outside territorial waters a presumed native vessel of under 500 tons burden (net tonnage),

(a) Flying the flag of one of the High Contracting Parties, or

(b) Flying no flag,

and the Commanding Officer of the warship has good reason to believe that the said vessel is flying the flag of any High Contracting Party without being entitled to do so, or is illicitly conveying articles covered by Categories I, II, IV and V, he may proceed to stop the vessel in order to verify the nationality of the vessel by examining the document authorising the flying of the flag, but no other document.

2. Any vessel which presents the appearance of native build and rig may be presumed to be a native vessel.

3. For the purpose of verifying the nationality of the suspected vessel, a boat commanded by a commissioned officer in uniform may be sent to visit the vessel after she has been hailed so as to give notice of such intention. The officer sent on board the vessel shall act with all possible consideration and moderation. Before leaving the vessel, the officer shall draw up a proces-verbal in the form and language in use in his own country. This proces-verbal shall state the facts of the case and shall be dated and signed by the officer.

Should there be on board the warship no commissioned officer other than the Commanding Officer, the above prescribed operations may be carried out by a warrant, petty or non-commissioned officer at the discretion of the Commanding Officer.

The captain or master of the vessel visited, as well as the witnesses, shall be invited to sign the proces-verbal and shall have the right to add to it any explanations which they may consider expedient.

4. In the cases referred to in paragraph 1 (a) hereof, unless the right to fly the flag can be established, the vessel may be conducted to the nearest port in the maritime zone where there is a competent authority of the Power whose flag has been flown and shall be handed over to such authority, but if such a port should be at such a distance from the point of detention that the warship would have to leave her station or patrol to escort the detained vessel thereto, the vessel may be taken to the nearest port where there is a competent authority of one of the High Contracting Parties of nationality other than that of the warship and handed over to such authority, and steps shall at once be taken to notify this fact to the competent authority representing the power concerned.

No proceeding shall be taken against the vessel or her crew until the arrival of the representative of the Power whose flag the vessel was flying or without authority from such representative.

Instead of conducting the suspected vessel to a port as laid down above, the Commanding Officer of the detaining warship may hand her over to a warship of the nation whose flag she has flown if the latter consents to take charge of her.

5. The procedure laid down in paragraph 4 may also be followed if, after the verification of the flag and in spite of the voluntary production of the manifest, the Commanding Officer of the warship continues to suspect the vessel of engaging in the illicit conveyance of articles covered by Categories I, II, IV and V.

6. In the cases referred to in paragraph 1 (b) hereof, if it is ascertained, as a result of the visit made on board the vessel that, whereas it flew no flag, it was also not entitled to fly the flag of a recognised State, the vessel may, unless the innocent nature of her cargo can be duly established to the satisfaction of the Commanding Officer of the warship, be conducted to the nearest point in the maritime zone where there is a competent authority of the Power to which the detaining warship belongs, and shall be handed over to such authority.

7. The authority before whom the suspected vessel has been brought shall institute a full enquiry in accordance with the laws and regulations of his country and in conformity with the procedure laid down in paragraph 8 below.

This enquiry shall be carried out in the presence of an officer of the detaining warship.

If, however, the presence of such officer is impracticable owing to the duties upon which the warship is engaged, an affidavit sworn by the Commanding Officer may in special cases be accepted by the authority holding the enquiry in place of the oral evidence of an officer of the warship.

8. (a) In the case of vessels referred to in paragraph 1 (a) above, if it is proved at this enquiry that the flag has been illegally flown, but that the vessel is entitled to fly the flag of a recognised State, she shall, if that State is one of the High Contracting Parties, be handed over to the nearest authority of that State. If such State is not a High Contracting Party, the vessel shall be disposed of by agreement between the State responsible for her detention and the State whose flag she is entitled to fly, and, pending such agreement, shall remain in the custody of the authorities of the nationality of the detaining warship.

(b) If it should be established that the use of the flag by the detained vessel was correct, but that the vessel was engaged in the illicit conveyance of articles covered by Categories I, II, IV and V, those responsible shall be brought before the courts of the State under whose flag the vessel sailed. The vessel herself and her cargo shall remain in charge of the authority conducting the enquiry. The illicit cargo may be destroyed in accordance with laws and regulations drawn up for the purpose.

(c) In the case of vessels referred to in paragraph 1 (b) above, if it be established that the vessel had the right to fly the flag of one of the High Contracting Parties but was engaged in the illicit conveyance of any of the articles covered by Categories I, II, IV, and V, the procedure laid down in the preceding paragraph should be followed.

(d) In the case of vessels referred to in paragraph 1 (b) above, if it be established that the vessel was not entitled to fly the flag of any of the High Contracting Parties and was engaged in the illicit conveyance of any of the articles covered by Categories I, II, IV and V, the vessel and all cargo carried in addition to these articles shall be seized by such authorities and disposed of according to the national laws and regulations of the authorities before whom the vessel has been brought. The destruction of this cargo may be ordered according to the same laws and regulations.

(e) If the authority entrusted with the enquiry decides that the detention and diversion of the vessel or other measures imposed upon her were irregular, he shall assess the amount of the compensation which he considers to be due.

9. If the decision and assessment of the said authority are accepted by the detaining officer and the authorities to whom he is subject, the amount awarded shall be paid within six months from the date of the said assessment.

10. If the detaining officer, or the authorities to whom he is subject, contest the decision or the amount of the compensation assessed, the dispute shall be submitted to a Court of Arbitration consisting of one arbitrator appointed by the Government whose flag the vessel was flying, one appointed by the Government of the detaining officer, and an umpire chosen by the two arbitrators thus appointed. The two arbitrators shall be chosen, as far as possible, from among the Diplomatic, Consular or Judicial officers of the High Contracting Parties. These appointments must be made with the least possible delay. Any compensation awarded shall be paid to the persons concerned within six months at most from the date of the award of the court.

11. The Commanding Officer of a warship who may have stopped a vessel flying a foreign flag shall in all cases make a report thereon to his Government, stating the grounds on which he acted. An extract from this report, together with a copy of the proces-verbal, drawn up by the officer, warrant officer, petty or non-commissioned officer sent on board the vessel detained, shall be sent as soon as possible to the Government whose flag the detained vessel was flying and to such of the High Contracting Parties as may have expressed the desire to receive such documents.

[American Delegation to the International Conference on the Traffic in Arms Held at Geneva May 4 to June 17, 1925]

WASHINGTON, December 16, 1925.

The Honorable The SECRETARY OF STATE,

Washington.

SIR: The undersigned, appointed by the President as Chairman of the American Delegation to the International Conference held at Geneva May 4 to June 17, 1925, to consider the conclusion of a convention for the supervision of the international trade in arms and ammunition and in implements of war, has the honor to submit the following report on behalf of the Delegation, which was composed as follows:

Honorable Theodore E. Burton, Chairman,  
Honorable Hugh S. Gibson, Vice Chairman,  
Rear Admiral Andrew T. Long,  
Mr. Allen W. Dulles,  
Brigadier General Colden L'H Ruggles.

The delegates of the United States of America, after preliminary conferences held in Washington and at Geneva, met at Geneva on May 4, 1925, with representatives of forty-three other States, including: Germany, Austria, Belgium, Brazil, the British Empire, Canada, the Irish Free State and India, Bulgaria, Chile, China, Colombia, Denmark, Egypt, Spain, Esthonia, Abyssinia, Finland, France, Greece, Hungary, Italy, Japan, Latvia, Lithuania, Luxemburg, Nicaragua, Norway, Panama, the Netherlands, Persia, Poland, Portugal, Rumania, Salvador, Siam, Sweden, Switzerland, the Kingdom of the Serbs, Croats and Slovenes, Czechoslovakia, Turkey, Uruguay and Venezuela.

In the forty-five days of its sessions the Conference drew up a convention to regulate the international trade in arms and war material, a certified copy of which is appended. This instrument was signed on behalf of the United States by the Chairman and the Vice Chairman, and by the representatives of twenty-one other States, as indicated below:

SIGNATORIES TO THE CONVENTION<sup>1</sup>

Germany (Allemagne)	Hungary
United States of America	Italy
Austria	Japan
Brazil	Latvia
British Empire	Luxemburg
India	Poland
Chile	Roumania
Spain (Espagne)	Salvador
Esthonia	Kingdom of the Serbs, Croats
Abyssinia (Ethiopie)	and Slovenes
Finland	Czechoslovakia (Tchécoslo-
France	vague)

In the consideration of the work of the American Delegation to the Arms Traffic Conference of Geneva, it is important briefly to indicate the reasons for the holding of this Conference and to outline the preparatory work which served as a basis for the deliberations of the various delegates assembled.

During the Paris Peace Conference of 1918-1919 there was elaborated and signed at Saint Germain-en-Laye on September 10, 1919, by representatives of the United States and by those of twenty-two other Powers a convention to regulate the trade in arms and war material, known as the Saint Germain Convention. This Convention was not submitted to the Senate nor ratified by the United States for the reasons set forth in a communication of September 12, 1923, from the Secretary of State, the Honorable Charles E. Hughes, to the Council of the League of Nations, in replying to a communication from the Acting President of the Council of the League, which quoted a resolution of the Assembly of the League to the effect that:

"The Assembly considers it highly desirable that the Government of the United States should express the objections which it has to formulate to the provisions of the Convention of Saint Germain as well as any proposals which it may care to make as to the way in which these objections can be overcome."

<sup>1</sup> The order of signature and of the above list is alphabetical according to the French spelling of each State.

Secretary Hughes in his communication of September 12 stated that "the Government of the United States is in cordial sympathy with efforts suitably to restrict traffic in arms and munitions of war" and referred to the steps taken by the Executive under legislative authorizations of 1898, 1912, and 1922 for the regulation of the trade in war material with other countries in this hemisphere and with countries where the United States exercised extraterritorial jurisdiction. Secretary Hughes pointed out, however, that the Saint Germain Convention, while not undertaking to restrict the purchase of arms by countries signatory thereto, would prohibit such sale to States not parties to the Convention, and that under such provisions this Government might be required to prevent shipments of military supplies to such Latin-American countries as had not signed or adhered to the Convention, however desirable it might be to permit such shipments, merely because they were not signatory powers and might not desire to adhere to the Convention.

The Secretary of State further pointed out that the provisions of the Convention relating to the League of Nations were so intertwined with the whole Convention as to make it impracticable for this Government to ratify, in view of the fact that it is not a member of the League of Nations.

In acknowledging Secretary Hughes' communication the Acting President of the Council of the League of Nations, on December 14, inquired whether the Government of the United States, having indicated that it was "in cordial sympathy with efforts to restrict traffic in arms and munitions of war" was prepared to cooperate with the Temporary Mixed Commission, the organ of the League which then was considering questions of disarmament, in the preparation of a draft convention, or conventions, for the purpose of controlling this trade.

This inquiry having been answered in the affirmative, the American Minister to Switzerland, Mr. Grew, and later Mr. Gibson, met informally with the Temporary Mixed Commission of the League of Nations, which drew up a draft of a convention for the control of the international trade in arms which was intended as a basis for the consideration of this subject by an international conference which it was proposed later to convocate. The documentary material covering these preliminary conversations which were held at Geneva and Paris in February, March and July, 1924, is fully set forth in the appended publication (Annex 1).

Subsequently, the Council of the League of Nations on October 7th communicated to the Secretary of State an invitation to attend the International Conference in question. The text of this invitation is quoted herewith:

"SIR, At its meeting held on September 30th, the Council adopted the following Resolution:—

"On the proposal of the Assembly the Council decides to authorize the Secretary-General to submit to the Governments of the States Members and non-Members of the League of Nations the draft Convention relating to the Control of the International Trade in Arms, Munitions and Implements of War drawn up by the Temporary Mixed Commission, and to request these Governments to inform him, before the Council meets in December, whether they are prepared to take part in a Conference to be convened in April or May, 1925, for the purpose of discussing the draft Convention.

"The Secretary-General will communicate to the various Governments the report of the Temporary Mixed Commission, the minutes of that Commission and the Minutes of the Permanent Advisory Commission relating to the discussion of Article 9, together with the minutes of the present meeting of the Council, in order that the representatives of the Governments on the International Conference may have the requisite information to enable them to come to a decision on the problems raised on this question during the present meeting."

"In execution of this decision, I have the honour to enclose herewith the draft Convention on the control of the International Trade in Arms, Munitions and Implements of War which was drawn up by the Temporary Mixed Commission (Document A 16. 1924 IX, Annex IV).



"The next meeting of the Council is to be held on December 8th, 1924, and I should be grateful if you would kindly inform me, if possible before that date, whether the United States Government would be prepared to take part in an International Conference to be held in April or May, 1925, for the purpose of discussing this draft and concluding a Convention on the control of the International Trade in Arms, Munitions and Implements of War. The exact date of this Conference will be fixed by the Council at its December session.

"In accordance with paragraph 2 of the Council's Resolution I am also enclosing herewith the report of the Temporary Mixed Commission for the reduction of armaments and the report of the 3rd Committee of the Assembly.

"The report of the Temporary Mixed Commission contains that part of the Minutes of the Commission which relates to Article 9 (Document A. 16. 1924 IX. Annex V).

"Further information relating to the preparations for the Conference will be forwarded to you as soon as possible.

"I have the honour, etc.

(signed) ERIC DRUMMOND,  
Secretary-General."

To the foregoing communication the following reply was made, on December 7, by the American representative in Switzerland under instructions from the Department of State:

"I beg to inform you that I have been instructed by my Government to acknowledge the receipt of your communication of October 7, 1924 transmitting the text of a resolution adopted by the Council of the League of Nations with respect to the holding of an international conference of the States members and non-members of the League of Nations April or May, 1925, for the purpose of considering the conclusion of a convention with respect to the international trade in arms, munitions and implements of war. In this communication you inquire whether my Government would be prepared to take part in such a conference.

"In reply I take pleasure in referring to the communication addressed to you on August 29 in which it was stated that my Government would be disposed to give favorable consideration to an invitation to participate in an appropriate international conference of the powers for the aforementioned purpose. My Government still holds this attitude and is agreeable to the suggestion that the time of holding the Conference should be in April or May, 1925."

#### THE GENEVA CONFERENCE

The attitude of the American Government toward the control of traffic in arms and the program and policy of the American Delegation was clearly set forth in the following statement of the Chairman of the American Delegation, of May 5, the day after the opening of the Conference:

"In accepting the invitation to be represented at this Conference, the Government of the United States cordially welcomes the opportunity to collaborate in the present movement. The people of the United States earnestly desire to give substantial evidence of their sincere interest in aiding in any constructive effort directed toward the maintenance of peace, and it is hoped that such efforts will be promoted by the proper control of the International trade in arms through the suppression of illicit trade in war material and by securing the fullest and most accurate publicity as to the extent and character of this trade. It is with this intention and with this spirit that the American Delegation will take part in the discussions of the Conference, in the hope of contributing towards attaining concrete results.

"As an evidence of our sincere desire to contribute to the inauguration of an era of continuing peace and to aid in preventing the horrors of war, the Government of the United States, in 1921, took steps to convene the Washington Conference, the results of which are known to the world. In addition to the definite achievements of this Conference, it is believed that the spirit which actuated the delegates at that meeting was a striking indication of the intent of the Powers participating to continue the work initiated there.

"As regards the specific object of the present Conference, namely the control of the traffic in arms, our Government has in recent years followed the policy of counselling its nationals against engaging in such trade with the troubled areas of the world where military arms might be particularly used for purposes of disturbing the peace. Further, under the authority of existing legislation, our Presidents have, from time to time, imposed absolute or partial restrictions on the exportation of arms from the United States to certain areas where such measures appeared to be particularly necessary. In addition, the flotation of foreign loans in the United States for the purpose of purchasing armament has been consistently and, it is believed successfully, discouraged.

"Our part in the international trade in arms has not been large during the past few years, and the policy of the Government, already outlined, has helped to keep it within proper channels. But our Government is ——— to be able to cooperate with other Powers in an effort to secure precision and uniformity in the measure and manner of control.

"In the forthcoming discussions of the Draft Convention which has been placed before the Conference as a basis for its deliberations, we shall offer certain constructive suggestions and modifications which, it is felt, might appropriately be embodied in the proposed Convention and which might assist in achieving the objects of the Conference. One of the most important of these suggestions, which I shall present in detail on a more appropriate occasion, concerns additional measures to deal with the traffic in poisonous gases with the hope of reducing the barbarity of modern warfare.

"The Delegation of the United States realises that it is important to consider the problem of the traffic in arms not only from the point of view of the producing but from that of the non-producing States. No program has yet been adopted which is effective for general disarmament and it is clear that the trade in arms cannot be eliminated. Nevertheless a solution may be reached which will assure to sovereign States the means of securing what may be necessary to their national defense and the maintenance of internal peace and order and which will, at the same time, properly control the international trade in arms.

"I desire to express my appreciation of the excellent remarks of Mr. Dupriez<sup>2</sup> and I also wish to express my thanks to M. Matsuda<sup>2</sup> for his expression of friendship to the United States. Let that expression be indicative of the mutual confidence and good will which should exist between the two nations on either side of the Great Pacific—Japan and the United States of America.

"In conclusion, let me say that it is with optimism that we enter upon the work of this gathering, in the hope that by friendly consultation something may be accomplished worthy of the best efforts of the delegates here assembled and which may substantially promote the cause of peace."

The details respecting the organization of the Conference, the questions considered, the positions taken by the various delegates, together with the proceedings of the various committees and subcommittees, are fully set forth in the attached publication (Annex 2). While it is therefore unnecessary, and would only result in repetition, to review the entire work of the Conference in this statement, a brief indication of the scope of the Convention, of the special problems met by the Conference, and of the American interests involved may not be out of place.

#### SCOPE OF THE CONVENTION

(1) In Articles 1 to 5 of the Convention provision is made for the supervision of the international trade in arms, munitions and implements of war with a view to keeping such trade within the proper channels. This control of the trade is to be exercised by each sovereign state within its own territory according to its own laws enacted or to be enacted to make the Convention effective.

(2) A system of publicity is provided for the international trade in the implements of war comprised in Categories One and Two, that is,—arms exclusively designed for war and

<sup>2</sup> The heads of the Belgian and Japanese delegations, who had spoken just preceding the statement of Mr. Burton.

those susceptible of use both in war and for peaceful purposes. Provision is also made for publicity for the trade in aircraft and aircraft engines and for publicity of the most detailed character in connection with the sale or transfer of any vessel of war.

(3) Provision is made for special control with regard to the shipment to, and the disposition of arms within, certain areas of the world where, experience has shown, there is particular need for close supervision of the arms traffic. These areas include Central Africa and the territory formerly a part of the Ottoman Empire but now detached from Turkey as defined in Article 12 of the Convention.

#### SPECIAL PROBLEMS

During the deliberations of the Conference, certain special problems arose which merit brief explanations.

(1) The Conference recognized that the trade in war vessels could not, from its nature and the place of such vessels in international law, be dealt with on the same basis as trade in rifles or ammunition. With a view to meeting this situation, the American Delegation proposed and found ready acceptance for the suggestion that the regime outlined in Article XVI of the Washington Treaty of February 6, 1922, limiting naval armament, should be adopted. According to this regime as outlined in Article 7 of the Convention, the High Contracting Powers undertake to supply full information with regard to the construction within their territory of a ship of war for delivery to any foreign Power.

(2) The problem which the Conference had to face with respect to the trade in airplanes was of a slightly different character in view of the recognized commercial uses of airplanes, as well as the practical difficulty of distinguishing between an airplane adapted for war purposes and an airplane adapted for the ends of peace. It was felt, therefore, that a provision (article 9) stipulating that full publicity should be given to the foreign trade in aircraft and aircraft engines would meet the situation, without interfering with legitimate commerce.

(3) At an early stage in the Conference it became clear that the States bordering on Russia had a special problem to face in connection with the publicity of their military purchases. The Soviet regime declined to be represented at the Geneva Conference and has indicated no interest whatever in adherence to the Arms Traffic Convention. The States bordering on Russia represented at the Conference are for the most part States which are dependent upon imports for the supply of the military equipment which they consider necessary for their national defense. The border States considered that an obligation on their part to publish full statistics of their importations while Russia was under no obligation to give similar publicity to its importation would be detrimental. For this reason therefore, the Conference agreed to incorporate in the Treaty a provision (Article 29) freeing certain States bordering on Russia from the obligation of publicity pending the adhesion of Russia to the Convention.

(4) Throughout the Conference the delegates of the so-called "Producing States" were constantly reminded that the problem which the Non-Producing States had to face was of a different character than that of the Producing States and that the former could not properly acquiesce in any treaty provisions which would prejudice their right to secure the arms necessary for their national defense. In considering this situation the American Delegation was also impressed by the fact that any regime of control which restricted the right of the Non-producing Powers to purchase arms abroad might have the unfortunate result of forcing States at present non-producers of arms to introduce on a large scale the manufacture of arms and war material. Many a State might thus become more or less of an armed camp and the result would be detrimental to the cause of peace. Therefore, there have been introduced into the Convention no provisions which prevent a State from securing arms for its national defense from other countries under certain safeguards and guarantees and with the publicity which should act as a preventative against the undue accumulation of imported arms in any given country.

(5) It was brought to the attention of the Conference that in States where extraterritorial rights were exercised there would be obvious difficulties in enforcing the provisions of the Convention as against foreigners enjoying such extraterritorial rights. This situation unless corrected might result in opening to foreigners, enjoying extraterritorial privileges in certain countries, the opportunity of engaging uncontrolled in an illicit trade. For these reasons Article 30 was included in the Convention, according to which the "High Contracting Parties who possess extraterritorial jurisdiction in the territory of another State party to the present Convention undertake in cases where the rules of this Convention can not be enforced by the local courts as regards their nationals in such territory to prohibit all action by such nationals contrary to the provisions of the present Convention."

(6) The question of the control of the trade in arms in time of war presented a particularly difficult problem. It is a recognized principle of international law that a neutral State is under no obligation to prevent the shipment of arms from its territory on behalf of a belligerent; provided, of course, as specified in the laws of the United States, that the territory of the neutral State shall not be used as a base for fitting out military expeditions. On the other hand, it is contrary to the obligations of neutrality, as recognized in the laws of the United States as well as in the law and practice of nations, for a State itself either directly or indirectly, to supply arms to a belligerent. Under the regime outlined in the Convention the approval of the Government of the exporting country is normally required in the case of the shipment of arms in Category One. If such approval were also required in time of war the neutrality of a power formally approving the shipment of arms to a belligerent might be called in question. If therefore the Convention were applicable in its entirety in time of war, the result might be that it would be rendered impossible to permit shipments of arms to a belligerent although such shipment might otherwise be unobjectionable, and although the country in question might not desire to intervene to prevent shipments.

In view of these considerations it was the unanimous opinion of the delegates assembled that it would be unwise to endeavor to apply with respect to belligerents the articles of the Convention which involved the approval of the exporting government as a necessary prerequisite to a shipment. Consequently the following article (Article 33) was introduced into the Convention.

"In time of war and without prejudice to the rules of neutrality the provisions of Chapter 2 shall be suspended from operation until the restoration of peace so far as concerns any consignment of arms or ammunition or implements of war to or on behalf of a belligerent."

#### AMERICAN INTERESTS INVOLVED

(1) The United States has for some time given full publicity to the statistics of its foreign trade, including publicity of its trade in war material. The American Delegation therefore felt that it would be according to American traditions of publicity and frankness to agree to continue such publicity and that it would be in our interest that other countries should likewise make public their trade in arms.

(2) The method of supervision provided for in the Convention for the trade in arms is adapted to meet the special conditions existing in the United States. In particular it should be noted that the forms now used for export declarations are specifically recognized in the Convention and it is provided that these forms may, under certain safeguards, be employed to secure the requisite control and publicity. Thus the necessity for the creation of elaborate boards of control for the issuing of licenses in individual cases of shipments of arms is obviated.

(3) The Convention does not provide for the control of the international trade in arms by any international body. Each country is to exercise its control within its own jurisdiction and according to its own laws, without dictation, advice or interference by any international commission.



(4) In connection with the provision for the enforcement of a strict control of the arms trade within certain areas of Africa and Asia, the American Delegation, while recognizing the reasons for such a control and agreeing that shipments from the United States to the areas in question should be under strict supervision as far as their clearance from the United States was concerned, proposed and secured the insertion in the Convention, in Article 27, of a provision that would relieve the United States from any responsibility with respect to the application of this regime in territorial or maritime zones beyond the jurisdiction of the United States.

(5) The present Convention, superseding as it would the applicable provisions of the Brussels Act of 1890 and the unratified Saint Germain Convention, helps to clarify the situation and defines the conditions under which arms shipments from this country may properly be permitted. Its provisions would in no way conflict with the control which may now be exercised with respect to the export of arms to certain countries under existing provisions of American law.

#### CONCLUSIONS

The delegates at the Conference impressed upon the American Delegation their view that any international convention for the control of the trade in arms would be ineffective unless adhered to by the United States, one of the important arms producing powers. With a view to facilitating American adherence, the Conference did not press for the inclusion of any provision for the supervision or control of the arms trade by an international commission, recognizing that such control would be unacceptable to this Government. Further, the various proposals advanced from time to time by the American Delegation received the full and sympathetic consideration of the Conference and in every case where American principles and interests were involved, solutions which the American Delegation considered acceptable were adopted. The American Delegation desire to record their recognition of this attitude and, in submitting this treaty, to state that in their opinion the success or failure of the entire Convention will be in no small measure dependent upon the attitude assumed by the American Government in the matter.

While registering this view, the American Delegation would point out that in their opinion the adherence of all the important arms-producing powers, and not only that of the United States, is essential to the realization of the objects of the Convention. For the United States to ratify and to make the Convention effective prior to the ratification by other arms-producing powers would only result in placing a premium upon non-ratification by certain producing powers, since they would then be free to sell arms to other powers without control and without publicity. If, therefore, the Convention meets with the approval of the Senate, and if the legislation which will be necessary to make it effective in the United States is assured, the delegates of the United States consider that the deposit of ratifications on the part of the United States should be conditioned upon the deposit of ratifications by the other great producing powers of the world. The American Delegation would not of course suggest any delay in the submission of the Convention to the Senate or its consideration by that body, but considers that in the event of Senatorial approval the deposit of ratifications, which would make the Convention binding upon the United States if thirteen other Powers deposit ratifications, should only take place when among the ratifying powers are included the other principal arms-producing states.

The American Delegation appreciates that the present Convention does not specifically provide for any restriction in the volume of the trade in arms, although the control of this trade should indirectly result in such restriction through the reduction of the illicit traffic in war material. It is felt, however, that pending the realization of a definite disarmament program it would be futile, and possibly harmful, as indicated above, to attempt the arbitrary restriction of the trade in war material, which would place the non-producing powers at the mercy of the producing power, force production by all powers and, far from accomplishing the purposes

of disarmament, might tend toward the increase of the military establishment of certain powers.

In addition to the Convention itself, there is also appended (Annex 3) a copy of the Protocol of signature and a copy of the Final Act (Annex 4) which describes the calling of the Conference and includes two declarations of the delegates assembled. Neither of these documents call for ratification. In addition, there was signed at Geneva a declaration relating to the inclusion of the territory of Ifni (in Spanish Morocco) in the special zones. This declaration was not signed on behalf of the United States, and it is not felt that it calls for action at this time on the part of this Government.

In conclusion, the American Delegation desire to express their appreciation of the invaluable assistance rendered by the Secretary of the American Delegation, Mr. Alan F. Winslow, and by the Technical Advisers, Mr. Charles E. Herring, Commercial Attaché at the Embassy in Berlin, Major George V. Strong and Major Earl J. Atkisson of the War Department, and Commander Herbert F. Leary, Assistant Naval Attaché at the Embassy in London.

The Delegation also take this occasion to record their appreciation of the effective and impartial manner in which the proceedings of the Conference were directed by its President, M. Carton de Wiart, former Prime Minister of Belgium, and in the latter's absence, by the Vice President of the Conference, Mr. Guerrero, of Salvador. The Delegation also desire to pay tribute to the efficient services rendered by the Secretary-General of the Conference, M. Madariaga, and by the other members of the Secretariat General of the Conference.

Respectfully submitted.

(signed) THEODORE E. BURTON.

Enclosure: Annexes, as stated.

The VICE PRESIDENT. If there be no amendment the treaty will be reported to the Senate.

The treaty was reported to the Senate.

The VICE PRESIDENT. The resolution of ratification will be read.

The Chief Clerk read as follows:

#### IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES

*Resolved (two-thirds of the Senators present concurring therein).* That the Senate advise and consent to the ratification of Executive H (69th Cong., 1st sess.), a Convention for the Supervision of the International Trade in Arms and Ammunition and in the Implements of War, signed at Geneva, Switzerland, on June 17, 1925, subject to the reservation that the said convention shall not come into force so far as the United States is concerned until it shall have come into force in respect to Belgium, the British Empire, Czechoslovakia, France, Germany, Italy, Japan, Sweden, and the Union of Soviet Socialist Republics, and with the further understanding that such adherence to this treaty shall not be construed as denying any right of sovereignty which the Kingdom of Persia may have in and to the Persian Gulf or to the waters thereof.

Mr. KING. Mr. President, I offer the following reservation:

*Resolved.* That such adherence to this treaty shall not be construed as denying any right or sovereignty which the Kingdom of Persia may have in or to the Persian Gulf or to the waters thereof.

The VICE PRESIDENT. The question is on agreeing to the reservation.

The reservation was agreed to.

The VICE PRESIDENT. The question is on agreeing to the resolution of ratification as amended by the reservation. [Putting the question.] Two-thirds of the Senators present concurring therein, the resolution as amended is agreed to and the treaty is ratified.

Mr. PITTMAN. Mr. President, that concludes the calendar so far as the treaties are concerned.

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. BYRD, from the Committee on Finance, reported favorably the nomination of Oscar B. Ryder, of Virginia, to be a member of the United States Tariff Committee for the term expiring June 16, 1939, vice Ira M. Ornburn, term expired.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The VICE PRESIDENT. The reports will be placed on the calendar.

#### LEGISLATIVE SESSION

Mr. ADAMS. I move that the Senate resume legislative session.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 3530. An act relating to Philippine currency reserves on deposit in the United States; and

S.J.Res. 130. Joint resolution to amend section 72 of the Printing Act, approved January 12, 1895, and acts amendatory thereof and supplementary thereto, relative to the allotment of public documents, and section 85 of the same act fixing the date of the expiration of the franking privilege to Members of Congress.

The message also announced that the House had concurred in Senate Concurrent Resolution No. 20, as follows:

*Resolved by the Senate (the House of Representatives concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Foreign Relations of the Senate be, and is hereby, empowered to have printed for its use 2,000 copies of the hearings held before a subcommittee of said committee during the second session of the Seventy-second Congress, on the resolution (S.Res. 278), entitled "Resolution authorizing the Committee on Foreign Relations to make an investigation and to hold hearings, respecting matters touching the Saint Lawrence Waterways Treaty", part 1 and 2.*

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

- H.R. 206. An act for the relief of Pierre E. Teets;
- H.R. 363. An act for the relief of James Moffitt;
- H.R. 387. An act donating bronze trophy guns to the Cohoes Historical Society, Cohoes, N.Y.;
- H.R. 452. An act for the relief of Laura B. Crampton;
- H.R. 471. An act for the relief of Physicians and Surgeons Hospital, Ltd.;
- H.R. 529. An act for the relief of Morris Spirt;
- H.R. 740. An act for the relief of Wade Dean;
- H.R. 1133. An act for the relief of Silas B. Lawrence;
- H.R. 1306. An act for the relief of Clarence A. Wimley;
- H.R. 1308. An act for the relief of John Parker Clark, Sr.;
- H.R. 1345. An act for the relief of John Parker Clark, Jr.;
- H.R. 1354. An act for the relief of C. V. Mason;
- H.R. 1731. An act to make provision for suitable quarters for certain Government Services at El Paso, Tex., and for other purposes;
- H.R. 1766. An act to provide medical services after retirement on annuity to former employees of the United States disabled by injuries sustained in the performance of their duties;
- H.R. 1769. An act for the relief of Jeannette S. Jewell;
- H.R. 1792. An act for the relief of Michael Petrucelli;
- H.R. 2038. An act for the relief of Jeanie G. Lyles;
- H.R. 2326. An act for the relief of Emma R. H. Taggart;
- H.R. 2416. An act for the relief of Mrs. George Logan and her minor children, Lewis and Barbara Logan;
- H.R. 2632. An act for the relief of Wilson G. Bingham;
- H.R. 3054. An act for the relief of Christopher Cott;
- H.R. 3084. An act authorizing the sale of portions of the Pueblo lands of San Diego to the city of San Diego, Calif.;
- H.R. 3161. An act for the relief of Henry Harrison Griffith;
- H.R. 3176. An act for the relief of Ernest Elmore Hall;
- H.R. 3295. An act for the relief of the estate of White B. Miller;
- H.R. 3595. An act for the relief of St. Ludgers Catholic Church, of Germantown, Henry County, Mo.;
- H.R. 3606. An act for the relief of William Sheldon;

- H.R. 3705. An act for the relief of Julia E. Smith;
- H.R. 3748. An act for the relief of Mary Orinski;
- H.R. 3791. An act for the relief of Gustav Welhoelter;
- H.R. 3912. An act for the relief of Roland Zolesky;
- H.R. 4082. An act for the relief of John J. Corcoran;
- H.R. 4224. An act to authorize the Postmaster General to hire vehicles from postal employees;
- H.R. 4387. An act for the relief of Mary A. Rockwell;
- H.R. 5031. An act for the relief of Edith L. Peeps;
- H.R. 5344. An act granting a franking privilege to Grace G. Coolidge;
- H.R. 5357. An act for the relief of Alice M. A. Damm;
- H.R. 5584. An act for the relief of William J. Kenely;
- H.R. 5606. An act for the relief of W. R. McLeod;
- H.R. 8912. An act to amend section 35 of the Criminal Code of the United States;
- H.R. 9123. An act to authorize the Secretary of War to lend War Department equipment for use at the Sixteenth National Convention of the American Legion at Miami, Fla., during the month of October 1934; and
- H.R. 9526. An act authorizing the city of Port Arthur, Tex., or the commission hereby created and its successors, to construct, maintain, and operate a bridge over Lake Sabine at or near Port Arthur, Tex.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a joint resolution adopted by the Legislature of the State of New Jersey, favoring the enactment of antilynching legislation, which was ordered to lie on the table.

(See joint resolution printed in full when presented today by Mr. BARBOUR.)

The VICE PRESIDENT also laid before the Senate petitions of sundry women members of the Democratic and/or Republican National Committees, from the States of Iowa, Massachusetts, Nebraska, Pennsylvania, Rhode Island, Virginia, Wisconsin, and Washington, D.C., praying for a prompt, full, and fair investigation in open hearings of the charges filed by the Women's Committee of Louisiana against the Senators from Louisiana, Mr. LONG and Mr. OVERTON, which were referred to the Committee on Privileges and Elections.

He also laid before the Senate a telegram in the nature of a petition from Theatrical Stage Employees, Local No. 4, signed by Thomas Murtha, secretary, New York City, N.Y., praying for the passage of Senate bill 2926, the labor disputes bill, which was ordered to lie on the table.

He also laid before the Senate a telegram, in the nature of a petition, from E. E. White, secretary-treasurer United Rubber Workers Council, on behalf of the council of Akron, Ohio, praying for the passage of Senate bill 2926, the labor disputes bill, as proposed to be amended, and also the so-called "Connery 30-hour-week work bill", which was ordered to lie on the table.

He also laid before the Senate a telegram from Dillon E. White, secretary Texas Cotton Cooperative Association, embodying a resolution adopted by the directors of that association in special session at Dallas, Tex., pledging their renewed faith in the leadership of the President of the United States and in the Congress, and commending the enactment of the so-called "Bankhead cotton-control bill", which was referred to the Committee on Agriculture and Forestry.

Mr. KEAN. I present a joint resolution adopted by the Legislature of the State of New Jersey, favoring the enactment of antilynching legislation, and call the especial attention of the Senator from Colorado [Mr. COSTIGAN] to it.

The VICE PRESIDENT. The joint resolution will lie on the table.

(See joint resolution printed in full when presented today by Mr. BARBOUR.)

#### ANTILYNCHING LEGISLATION

Mr. BARBOUR. Mr. President, I ask unanimous consent to have printed in full in the RECORD and to lie on the table a joint resolution adopted by the New Jersey Legislature, favoring the enactment of antilynching legislation.



The joint resolution was ordered to lie on the table, and it is as follows:

ASSEMBLY JOINT RESOLUTION NO. 2 (BY MR. HARGRAVE)

Joint resolution memorializing the Congress of the United States to protect the people against lynch law and mob violence

Whereas crime is increasing at a rapid rate throughout the length and breadth of the country; and

Whereas lynch law and mob violence continue taking an increasing toll from the peaceful citizens of our Commonwealth; and

Whereas law and order is absolutely necessary to maintain a stable government: Therefore be it

*Resolved by the Senate and General Assembly of the State of New Jersey*, That the Federal Government be requested to pass such measures and take such action necessary to blot out lynch law and vouchsafe to every citizen life, liberty, and the pursuit of happiness as guaranteed in our bill of rights; be it further

*Resolved*, That copies of this joint resolution be transmitted to the Vice President of the United States, to the Speaker of the House of Representatives, and to the Senators and Representatives in the Congress of the United States from the State of New Jersey.

This joint resolution shall take effect immediately.

Approved February 14, 1934.

A true copy.

THOMAS A. MATHIS,  
Secretary of State.

REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Education and Labor, to which was referred the bill (S. 3145) authorizing the establishment of a filing and indexing service for useful Government publications, reported it with an amendment and submitted a report (No. 1441) thereon.

He also, from the Committee on Finance, to which was referred the joint resolution (H.J.Res. 322) to provide for the disposal of smuggled merchandise, to authorize the Secretary of the Treasury to require imported articles to be marked in order that smuggled merchandise may be identified, and for other purposes, reported it with amendments and submitted a report (No. 1442) thereon.

Mr. HARRISON, from the Committee on Finance, to which were referred the following bill and joint resolution, reported them each with an amendment and submitted reports thereon:

H.R. 9741. An act to provide for the taxation of manufacturers, importers, and dealers in certain firearms and machine guns, to tax the sale or other disposal of such weapons, and to restrict importation and regulate interstate transportation thereof (Rept. No. 1444); and

S.J.Res. 141. Joint resolution to protect the revenue by requiring information concerning the disposition of substances used in the manufacture of distilled spirits (Rept. No. 1445).

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, to which was referred the bill (H.R. 9595) to increase the compensation of letter carriers in the village delivery service, reported it with an amendment and submitted a report (No. 1443) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 3683) to amend the act of June 19, 1930 (46 Stat. 788) entitled "An act providing for the sale of the remainder of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, and for other purposes", reported it without amendment and submitted a report (No. 1446) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the resolution (S.Res. 264) to inquire into the need for an increase in the present strength of the officer and enlisted personnel of the Regular Army of the United States, reported it without amendment.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on the 14th instant that committee presented to the President of the United States the enrolled bill (S. 2347) to amend the Inland Waterways Corporation Act, approved June 3, 1924, as amended.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 3796) to increase the efficiency of the United States Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. DAVIS (for Mr. REED):

A bill (S. 3797) to admit to the United States, and to extend naturalization privileges to, certain alien veterans of the World War; to the Committee on Immigration.

By Mr. THOMAS of Oklahoma:

A bill (S. 3798) to provide for the taking over by the Government of the out-standing capital stock of all Federal Reserve banks; to substitute United States Treasury notes for outstanding gold certificates, silver certificates, Treasury notes of 1890, Federal Reserve notes, Federal Reserve bank notes, national currency, and national bank notes; and to regulate the value of money in pursuance of article I, section 8, paragraph 5, of the Constitution of the United States, and for other purposes; to the Committee on Banking and Currency.

AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT

Mr. GORE introduced a joint resolution (S.J.Res. 142) amending subsection (b) of section 19 of the Agricultural Adjustment Act of 1933, which was read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

*Resolved, etc.*, That subsection (b) of section 19 of the Agricultural Adjustment Act, approved May 12, 1933 (title I, Public, No. 10, 73d Cong.), is amended by adding the words at the end of said subsection, as follows: "And provided further, That the Secretary of the Treasury is further authorized to permit postponement, for an additional period of not exceeding 90 days, of the payment of taxes covered by any return under this title of processors of hogs whose average slaughter during the calendar year 1933 did not exceed 5,000 hogs per month."

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES—THE LIQUOR QUESTION

Mr. SHEPPARD. Mr. President, I ask permission, out of order, to introduce a joint resolution and have it referred to the Committee on the Judiciary.

The joint resolution (S.J.Res. 144) proposing an amendment to the Constitution of the United States relating to the liquor traffic, was read the first time by its title and the second time at length, and referred to the Committee on the Judiciary, as follows:

*Resolved, etc.*, That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by conventions in three-fourths of the several States:

"ARTICLE —

"SECTION 1. Congress shall have power in its discretion to enact uniform laws restricting or prohibiting the traffic in alcoholic beverages in the United States and in all territory subject to its jurisdiction.

"SEC. 2. The following powers are reserved to the several States: To impose restrictions on the traffic in alcoholic beverages in aid of those enacted by Congress; to prohibit the traffic in such beverages irrespective of legislation by Congress; or in the absence of legislation by Congress, plenary power to prohibit or regulate the traffic in such beverages within their respective areas.

"SEC. 3. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of alcoholic beverages in violation of the laws thereof, is hereby prohibited.

"SEC. 4. The twenty-first article of amendment to the Constitution of the United States is hereby repealed.

"SEC. 5. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within 7 years from the date of submission thereof to the States by the Congress."

REASONS FOR THE PROPOSAL

Mr. SHEPPARD. Mr. President, the 6 months which have passed since the repeal of the eighteenth amendment have shown beyond question that the liquor problem is a national one requiring the cooperation of the Federal and State Governments for its most effective solution. Mr. Choate, Director of the Federal Alcohol Control Administration, has declared that we are "living in a fool's paradise" so far as the liquor question is concerned. Arrests for public intoxication and traffic accidents attributable to drinking have rapidly increased. Many of the States have not barred the saloon, as was promised when repeal was proposed. Boot-

legging has not been reduced. The Federal Government has been compelled to increase the appropriation for its suppression.

The proposed amendment provides greater flexibility than was afforded by the eighteenth amendment, since it provides that Congress shall have power to restrict or prohibit the traffic in alcoholic beverages in its discretion. Under this grant of power Congress could establish a uniform plan of regulation effective in all States desiring to sanction liquor sales; it could enact national prohibition applicable to the entire country; or it could refuse to pass any legislation at all, in which event the States would be free to adopt any system of prohibition or regulation they saw fit, as at present.

Any State desiring to adopt or retain prohibition could do so, or it could enact legislation in aid of the plan of regulation provided by Congress. It could not, however, adopt any system of license or regulation in conflict with that provided by Congress, should Congress enact a law for that purpose. The existence of such power in the Federal Government would make it possible for Congress to regulate the liquor traffic wherever legalized, to bar the return of the saloon, and to establish any method of control or regulation experience may show to be the best and public sentiment to demand.

#### EFFECT UPON ENFORCEMENT

Should Congress not enact any legislation under this proposal, the mere possibility that it might do so would tend to induce the States to better enforce their own regulations. Under this amendment the Federal Government could do away with the incongruous and conflicting regulations now possible with 48 varieties of State legislation. It would at the same time enable those States and communities which desire to retain prohibition to do so or to enact additional safeguards to any plan of regulation enacted by Congress.

#### OFFERS A COMMON GROUND

It offers a common ground on which wets and dries may meet to formulate and try out constructive solutions of the liquor problem. Personally, I believe that the eighteenth amendment provided the best settlement. Recognizing, however, the difficulties surrounding readoption of that amendment in anything like the near future, realizing the frightful toll the liquor traffic is taking from humanity under existing conditions and its continued defiance of the law, I deem it my duty to present what I believe to be a method by which the American people may meet the situation in a far more satisfactory way than is possible at present. That method is offered at this time in order that it may be in shape for discussion and action in connection with the coming elections.

This resolution repeals the present twenty-first amendment but retains the second section of that amendment providing protection to States desiring to remain dry from importation for personal use under the commerce clause. If passed, it would require ratification by conventions within 7 years.

#### PUERTO RICAN IMPORT DUTY ON COFFEE

Mr. TYDINGS. Mr. President, the War Department has just sent to me as Chairman of the Senate Committee on Territories and Insular Affairs a communication transmitting a letter from the Governor of Puerto Rico setting forth that the courts of Puerto Rico have held one of the laws dealing with the processing taxes to be unconstitutional. They have asked that the breach be corrected by the passage of a bill because the taxes have actually been collected. I ask that the communications from the War Department and the Governor of Puerto Rico be printed in the RECORD so that Senators may, even in the closing days, understand why speed is necessary in dealing with this matter.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT,  
Washington, June 15, 1934.

HON. MILLARD E. TYDINGS,  
Chairman Committee on Territories and Insular Affairs,  
United States Senate, Washington, D.C.

DEAR SENATOR TYDINGS: I am enclosing herewith a copy of a self-explanatory letter received from the Governor of Puerto Rico,

with its enclosure consisting of a proposed draft of a bill to ratify joint resolution no. 59 of the Puerto Rican Legislature, approved May 5, 1930.

It is requested that you introduce the enclosed bill in the Congress with a view to securing its enactment at the present session.

The Governor points out that the proposed legislation is of an emergency nature and that it is necessary for the protection of the administration's program of rehabilitation as regards the coffee industry of Puerto Rico. I urgently recommend its enactment at the present session.

Sincerely yours,

HENRY H. WOODBRING,  
Acting Secretary of War.

JUNE 15, 1934.

HON. GEORGE H. DERN,  
Secretary of War, Washington, D.C.

DEAR MR. SECRETARY: I am enclosing herewith a draft of a bill to ratify Joint Resolution No. 59 of the Puerto Rican Legislature, approved May 5, 1930, imposing a 10-cent import duty on coffee imported into Puerto Rico. The enactment of this bill at the present session of Congress as an emergency matter is necessary to protect a vital portion of the administration's program for the rehabilitation of Puerto Rican industries.

The coffee industry is one of the basic industries of Puerto Rico. The 10-cent tax levied by the joint resolution of 1930, which has heretofore been regularly collected, is necessary to protect the industry, particularly during the present period of recovery from the effects of the hurricane. The levy of the tax is in accord with the intention of Congress as evidenced by the enactment of section 319 of the Tariff Act of 1930, enacted June 15 of that year, which specifically authorized the Legislature of Puerto Rico to impose tariff duties upon coffee imported into Puerto Rico, including coffee grown in a foreign country and imported into Puerto Rico from the United States.

Unfortunately the Puerto Rican act—Joint Resolution No. 59—was enacted and approved by the Governor on May 5, 1930, a month and 12 days before the approval of the act of Congress and consequently the United States Court of Customs and Patent Appeals has now held, in a decision handed down within the past few days (June 12, 1934), that the act of the Puerto Rican Legislature is invalid and void because at the time it was passed Congress had not yet given that legislature the power to enact such legislation.

Therefore it is necessary to have the Puerto Rican act ratified. The bill herewith submitted is drawn to follow substantially the language used in the act of Congress of June 5, 1920 (c. 253, 41 Stat. 1025), ratifying an export tax theretofore attempted to be imposed by the Philippine Legislature. That ratifying act was upheld by the United States Supreme Court in the case of *Rafferty v. Smith, Ball & Co.* (257 U.S. 226, 232).

The vital necessity for this legislation at the present term of the Congress arises especially from the fact that cooperatives have been formed of the coffee raisers through the Farm Credit Administration for the purpose of extending to them the aid necessary to preserve the industry. This could not be extended if the cheap coffee from Brazil were thrown into the country, thus reducing the price of the Puerto Rican product to a point where little of that could be sold except at the depreciated value on which the Farm Credit Administration would not be willing to extend the loan.

I urgently request that you transmit this to the chairmen of the appropriate committees of Congress, with the request that the enactment of this legislation be secured at the present session.

Sincerely yours,

BLANTON WINSHIP,  
Governor of Puerto Rico.

Mr. TYDINGS introduced a bill (S. 3799) for an act to ratify Joint Resolution No. 59 of the Legislature of Puerto Rico, approved by the Governor May 5, 1930, imposing an import duty on coffee imported into Puerto Rico, which was read twice by its title and referred to the Committee on Territories and Insular Affairs.

#### AMENDMENT OF EMERGENCY FARM MORTGAGE ACT—AMENDMENT

Mr. BORAH submitted an amendment intended to be proposed by him to the joint resolution (S.J.Res. 142) amending subsection (b) of section 19 of the Agricultural Adjustment Act of 1933, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

#### AMENDMENT OF THE BANKING ACT—AMENDMENT

Mr. KEAN submitted an amendment intended to be proposed by him to the bill (S. 3748) to amend certain sections of the Banking Act of 1933 and the Federal Reserve Act, and for other purposes, which was ordered to lie on the table and to be printed.

#### FINANCING OF HOME CONSTRUCTION AND REPAIR—AMENDMENT

Mr. KEAN submitted an amendment intended to be proposed by him to the bill (S. 3794) to encourage improvement in housing standards and conditions, to provide a system of mutual mortgage insurance, and for other purposes, which was ordered to lie on the table and to be printed.



# INVESTIGATION OF LOAN ACTIVITIES OF FEDERAL LAND BANK, ST. LOUIS, MO.

Mr. ROBINSON of Arkansas submitted the following resolution (S.Res. 272), which was referred to the Committee on Banking and Currency:

*Resolved*, That a special committee of three Senators, to be appointed by the President of the Senate, is authorized and directed to investigate the loan activities of the Federal Land Bank of St. Louis, Mo., with a view to determining whether such land bank, in granting loans, has unjustly discriminated against persons, States, areas, or communities.

For the purpose of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-third Congress and succeeding Congresses, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

The committee shall report to the Senate, as soon as practicable, the results of its investigations, together with its recommendations.

Mr. FLETCHER, subsequently, from the Committee on Banking and Currency, to which the foregoing resolution was referred, reported it without amendment and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which motion was agreed to.

## ADDITIONAL CLERICAL ASSISTANCE TO SENATORS

Mr. CLARK submitted the following resolution (S.Res. 273), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That whenever, during the recess of the present Congress, a Senator shall file with the Chairman of the Committee to Audit and Control the Contingent Expenses of the Senate a statement showing the necessity for an additional clerical assistant to enable him to discharge the duties of his office in the District of Columbia, such Senator may appoint one assistant clerk to be paid from the contingent fund of the Senate at \$1,800 per annum until the Seventy-fourth Congress is convened.

# INVESTIGATION OF FEDERAL LAND BANKS AND REGIONAL AGRICULTURAL CREDIT CORPORATION

Mr. CUTTING and Mr. HATCH submitted the following resolution (S.Res. 274), which was referred to the Committee on Banking and Currency:

*Resolved*, That the Senate hereby authorizes and appoints the regular Agricultural and Forestry Committee of the Senate to be designated as a special committee for the purpose of making full and complete investigations of the business, operations, and affairs of the various Federal land banks of the United States for the period beginning March 4, 1923, and a complete and full investigation of the Regional Agricultural Credit Corporation since its inception; be it further

*Resolved*, That said committee shall report to the Senate not later than the 5th day of January 1935 the result of its investigation, together with such recommendations as it deems advisable; and be it further

*Resolved*, That the said committee, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the Senate is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, by subpoena or otherwise, and to take such testimony as it deems necessary. Subpenas shall be issued under the signature of the chairman and shall be served by any person designated by him. The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, or subcommittee thereof, willfully makes default, or who, having appeared refused to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States; be it further

*Resolved*, That the committee appointed by this resolution is hereby authorized to expend from the contingent fund of the Senate \$25,000 for the purpose of defraying the expenses of the investigation provided for in this resolution.

## DEFICIENCY APPROPRIATIONS

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated.

The Senate resumed the consideration of the bill (H.R. 9830) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934,

and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes.

Mr. ADAMS obtained the floor.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. McNARY. Mr. President, as this is an important bill, I think we should have a quorum present, and I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Costigan	Hebert	Pope
Ashurst	Couzens	Johnson	Reynolds
Austin	Cutting	Kean	Robinson, Ark.
Bachman	Davis	King	Robinson, Ind.
Bailey	Dickinson	La Follette	Russell
Bankhead	Dieterich	Lewis	Schall
Barkour	Dill	Logan	Sheppard
Barkley	Duffy	Loneragan	Shipstead
Black	Erickson	Long	Smith
Bone	Fess	McCarran	Steiwer
Borah	Fletcher	McGill	Stephens
Brown	Frazier	McKellar	Thomas, Okla.
Bulkley	George	McNary	Thomas, Utah
Bulow	Gibson	Metcalf	Thompson
Byrd	Glass	Murphy	Townsend
Byrnes	Goldsborough	Neely	Tydings
Capper	Gore	Norbeck	Vandenberg
Caraway	Hale	Norris	Wagner
Carey	Harrison	Nye	Walcott
Clark	Hastings	O'Mahoney	Walsh
Connally	Hatch	Overton	Wheeler
Coolidge	Hatfield	Patterson	White
Copeland	Hayden	Pittman	

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present.

Mr. ASHURST. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Arizona?

Mr. ADAMS. I yield.

Mr. ASHURST. Mr. President, respecting House bill 9830, the deficiency appropriation bill, in accordance with the request of the Department of Justice, I now offer certain amendments prepared by that Department. After investigation, I opine that I should move to suspend the rule. Therefore I ask that the clerk read at the desk the notice of a motion to suspend the rule; and I inquire if the amendments should be read at this time or will their presentation now with the notice be sufficient?

The VICE PRESIDENT. The Senate can waive the reading of the amendments if it desires to do so.

Mr. ASHURST. I ask that that be done.

The VICE PRESIDENT. The Senator from Arizona asks unanimous consent that the reading of the amendments, as to which he gives notice of a proposal to suspend the rules be waived. Is there objection?

Mr. ASHURST. I ask that the notice be read.

Mr. McNARY. Mr. President, would not it be better if the Senator should ask unanimous consent to waive the rule and then offer the amendments at the proper point in the consideration of the bill?

Mr. ASHURST. Diligence requires me to present them at the earliest moment, and, if the Senator will permit, I ask that the notice be read.

Mr. McNARY. That is so, too; but I feel that my suggestion would expedite the matter much quicker than the Senator's, but he may go ahead.

The VICE PRESIDENT. The clerk will read the notice.

The Chief Clerk read as follows:

## NOTICE OF MOTION TO SUSPEND THE RULES

Pursuant to the provisions of rule XL of the Standing Rules of the Senate, I hereby give notice in writing that I shall hereafter move to suspend paragraphs 1 and 4 of rule XVI for the purpose of proposing to the bill (H.R. 9830) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes, the following amendments:

On page 35, after line 2, insert the following:

"Salaries, Department of Justice: For an additional amount for salaries, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$335,860: *Provided*, That of this amount \$245,460 shall be available only for transfer in addition to transfers authorized

by existing law to any other appropriation or appropriations under the Department of Justice not to exceed 25 percent of the appropriation to which transfer is made, when approved by the Director of the Budget."

On page 35, after line 21, insert the following:

"For an additional amount for traveling and miscellaneous expenses, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$25,000."

On page 36, after line 10, insert the following:

#### "DIVISION OF INVESTIGATION

"For an additional amount for salaries and expenses, Division of Investigation, for the detection and prosecution of crimes, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, and including also the purchase at not to exceed \$7,000 each, exchange, maintenance, upkeep, and operation of armored automobiles; purchase, exchange, maintenance, and upkeep of motor-propelled passenger-carrying vehicles, to be used only on official business; and not to exceed \$91,190 for personal services in the District of Columbia; to be immediately available, \$1,896,990."

#### "DIVISION OF ACCOUNTS

"Salaries and expenses, Division of Accounts: For an additional amount for personal services and expenses of the Division of Accounts in the District of Columbia, fiscal year 1935, \$22,570."

#### "ENFORCEMENT OF ANTITRUST AND KINDRED LAWS

"For an additional amount for enforcement of antitrust and kindred laws, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, and including also additional personal services in the District of Columbia, to be immediately available, \$140,800."

On page 37, after line 14, to insert the following:

"For an additional amount for salaries, fees, and expenses of marshals, United States courts, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$140,070."

"Salaries and expenses of clerks, United States courts: For an additional amount for salaries and expenses of clerks, United States courts, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$100,000."

On page 39, after line 16, to insert the following:

"United States penitentiary, McNeil Island, Washington: The amount which may be expended for salaries and wages of all officers and employees from the appropriation 'United States penitentiary, McNeil Island, Wash., maintenance, 1935', is increased from \$173,190 to \$189,190."

The VICE PRESIDENT. Does the Senate consent to waive the reading of the amendments?

Mr. NORRIS. Mr. President, I think, in fairness to the Senate, if the Senate is going to be expected to consider the amendments, they should be read. I have no knowledge of them.

Mr. ASHURST. The amendments came to me from the Department of Justice. It will be remembered that, through the able efforts of the Senator from New York [Mr. COPELAND], the Senator from Iowa [Mr. MURPHY], and the Senator from Michigan [Mr. VANDENBERG], a number of so-called "antigangster" bills were introduced and are now laws. I myself had the honor of introducing a number of those bills. Most of them have become laws. The Senate Committee on the Judiciary reported all these bills favorably, and I now take occasion to thank the members of the Senate Committee on the Judiciary for the able support they gave these bills, but it would be useless and ridiculous; it would be what the lawyers call a *brutum fulmen*, a harmless thunderbolt, to pass these bills and then refuse to give the Department the appropriations to carry out, implement, and effectuate their purposes.

Mr. NORRIS. Mr. President, may I interrupt the Senator again?

Mr. ASHURST. Certainly.

Mr. NORRIS. Are these amendments which the Senator proposes subject to a point of order?

Mr. ASHURST. I doubt if they would be subject to a point of order, because the Bureau of the Budget has sent, so I am advised, its approval of the amendments, but, out of abundant caution—because there is no use to be soft-mouthed about it—I do not want to be placed into a position where it may be said, "You should have submitted a motion to suspend the rules." The able Senator from Tennessee [Mr. McKELLAR], a member of the Committee on Appropriations, I am advised, is against these amendments. He is present and can state whether he is against the amendments or not.

Mr. KING. Mr. President, may I ask the Senator a question?

Mr. ASHURST. Certainly.

Mr. KING. As I understand, these amendments are for the purpose of giving larger appropriations to the Department of Justice?

Mr. ASHURST. Yes, sir.

Mr. KING. Notwithstanding the fact that in the appropriation bill passed some time ago there was a very large appropriation for the Department of Justice, including a very considerable appropriation for the law-enforcing agencies which are under the control of that Department.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona that the reading of the amendments be waived?

Mr. NORRIS. I have no objection to waiving the reading since the Senator from Arizona has made the explanation.

Mr. ASHURST. It may be that I have done the distinguished Senator from Tennessee an injustice.

Mr. McKELLAR. Oh, no.

Mr. ASHURST. I do not desire to do so, but I was informed that he was opposed to these amendments, and that is what has driven me to offer the notice of motion to suspend the rules.

Mr. McKELLAR. Mr. President, these amendments were presented to the committee. They provide for a deficiency 15 days before the new fiscal year begins. The Congress of the United States has already appropriated for the Department of Justice, and here is a deficiency being asked for in advance. We are asked for an additional appropriation. My recollection is that the combined amount is some \$3,000,000, which is out of all proportion to the work provided for in the bills which have been passed in relation to the suppression of crime.

My judgment is that if there are some amounts which should be added it might be well to add them, but to propose this enormous amount to be handed over to the Department of Justice at this time, it seems to me, is very unwise.

Mr. VANDENBERG subsequently said: Mr. President, while discussion of the amendment submitted by the Senator from Arizona [Mr. ASHURST] may not be germane to the immediate debate, I do not want the comment of the Senator from Tennessee [Mr. McKELLAR] to pass at the moment without prompt challenge, lest it affect the ultimate consideration of the amendment.

I know of no finer service being rendered at the present time in the United States than by the law enforcement agencies of the Department of Justice under the very able direction of the Assistant Attorney General, Joseph B. Keenan. I think the work being done in that Department in cooperation with legal authorities in the assault upon crime is a major contribution to the social stability of the United States. When the Senator from Tennessee refers to \$3,000,000 as an "enormous sum", as related to the far greater enormity of the crime problem in the United States, I think his relationships are somewhat distorted.

I am perfectly sure, knowing the Senator from Tennessee as I do, that when the facts are presented, as they will be presented, he will readily yield to the importance of implementing the Department of Justice to do its full job in respect to the crime situation in the United States.

Mr. BYRNES. Mr. President, may I suggest to the Senator from Arizona that he permit the Senator from Colorado [Mr. ADAMS] to proceed at this time with the committee amendments?

Mr. ASHURST. I yield the floor.

The PRESIDING OFFICER. Does the Senator from Arizona ask unanimous consent for the waiving of the reading of the amendments at this time?

Mr. ASHURST. I make that request.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. ADAMS. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that



the bill be read for amendment, committee amendments to be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

Mr. JOHNSON. Mr. President, I desire to inquire as to the method of procedure. As I understand, the able Senator from Arizona is about to present an amendment to the pending deficiency bill.

Mr. ASHURST. That is correct.

Mr. JOHNSON. The Senator has obtained unanimous consent that his motion to suspend the rules need not be read.

Mr. ASHURST. I obtained unanimous consent that the amendments need not be read at this time, but the notice of intention to suspend the rule has been read.

Mr. JOHNSON. I want to understand the method of procedure. Here is a bill which is an appropriation bill, but which contains as well legislative provisions. Am I not correct?

Mr. BYRNES. Mr. President, if the Senator is directing his question to me, I will state that I do not know of any legislative provision reported; but I will also say that I have no doubt about the amendments offered by the Senator from Arizona being in order.

Mr. JOHNSON. I am inquiring because there may be other amendments to be offered. If it is possible to have a determination of whether or not the amendments may be offered, in view of the fact that the door has been opened thus far to legislative amendments, I want to obtain it.

I recall some years ago when Vice President Marshall was in the chair—I may be in error in this and so I state it tentatively—he ruled, when an appropriation bill came to us wherein already there were legislative provisions, that the door had been opened and, the door having been opened, all of us could enter. That is exactly the situation which I want to see if we can settle now, in order that, if we have amendments legislative in character, we may not be put to the necessity and to the difficulty of presenting a motion to suspend the rule.

Mr. BYRNES. Let me say to the Senator from California that I do not know of any legislative provision which has been added to the bill by the Senate committee. The amendments referred to by the Senator from Arizona are on an entirely different footing. They have been estimated for by the Director of the Budget, they are authorized, and I know of no point of order which could be successfully made against the amendments offered by him.

Mr. NORRIS. Mr. President, the question propounded by the Senator from California [Mr. JOHNSON] is an important one. I understand the Senator from California has quoted tentatively the decision of Vice President Marshall. I was present when that decision was made. I, like the Senator from California, am speaking from recollection and I may be wrong. My impression is that the very fact that an appropriation bill has legislative provisions in it does not give carte blanche to offer legislative amendments; but a legislative provision already in the bill is subject to a legislative amendment if it is material to that part of the bill. It does not mean that any amendment could be offered to the appropriation bill.

The VICE PRESIDENT. The Chair understands the philosophy of the rule and has examined the precedent to which the Senator from California referred. The rules of the House and of the Senate provide that a legislative provision may not be added as an amendment to an appropriation bill. Sometimes in the House a special rule is brought in and legislation is placed on an appropriation bill. When such a bill comes to the Senate and the Senate has it under consideration and reaches the legislative provision, any amendment germane to that legislative provision is in order; but unless it is germane it is not in order. That is the ruling of the Chair.

Mr. NORRIS. As I understand the Chair, it is in order notwithstanding the fact that it may be a legislative provision.

The VICE PRESIDENT. That is correct, provided it is germane.

Mr. CUTTING. Mr. President, may I ask who decides the question of germaneness, the Chair or the Senate?

The VICE PRESIDENT. Ordinarily, the Chair may decide a point of order or he may submit it to the Senate. Every ruling of the Chair is subject to supervision of the Senate. However, paragraph 4 of rule XVI provides that if the question of germaneness of an amendment is raised, it must be submitted to the Senate and be decided without debate. The present occupant of the chair is willing to take his responsibility, but the rule expressly provides that the Senate shall pass upon the matter of germaneness in the first instance.

The clerk will state the first amendment to the bill.

The first amendment of the Committee on Appropriations was, under the heading "Title I—General appropriations, legislative establishment", on page 2, after line 2, to insert:

#### SENATE

To pay to Eula W. Kendrick, widow of Hon. John B. Kendrick, late a Senator from the State of Wyoming, \$8,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 6, to insert:

To pay to Augusta M. Dale, widow of Hon. Porter H. Dale, late a Senator from the State of Vermont, \$8,500.

The amendment was agreed to.

Mr. LONG. Mr. President, I ask unanimous consent for the consideration of a bill on the calendar to which the Senator from West Virginia [Mr. HATFIELD] objected yesterday, but to which no one now has any objections. I have seen the Senator from West Virginia this morning, and he has authorized me to state that he has no objection. I refer to Order of Business 1191, House bill 5736, an act for the relief of Shelby J. Beene, Mrs. Shelby J. Beene, Leroy T. Waller, and Mrs. Leroy T. Waller.

I ask unanimous consent that that bill may be taken up and disposed of at this time without displacing the business before the Senate.

The VICE PRESIDENT. In order to consider the bill referred to by the Senator from Louisiana, it will be necessary to lay aside temporarily the bill before the Senate.

Mr. LONG. Not by unanimous consent.

The VICE PRESIDENT. In order to transact business in the Senate where a pending measure is under consideration, it must be temporarily laid aside, or it will be displaced by whatever other business is taken up.

Mr. LONG. I do not think it will be necessary by unanimous consent. There will be no objection to the bill just being passed out of order.

The VICE PRESIDENT. The Chair is telling the Senator what the rules of the Senate are as he interprets them. The rule of the Senate is that where a measure is pending before the Senate, and it is not temporarily laid aside, it is displaced when other business is taken up, whether by unanimous consent or by vote of the Senate.

If the Senator from Louisiana desires to ask unanimous consent to lay aside temporarily the business before the Senate in order to consider another bill, the Chair will put the question.

Mr. LONG. If the Senator from Colorado would not object—

Mr. ADAMS. I wish the Senator from Louisiana would allow us to go ahead with the appropriation bill unless there is some great emergency. Certainly there is no great emergency in this case.

The VICE PRESIDENT. Objection is heard. The clerk will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 2, after line 9, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per 100 words, fiscal year 1935, \$100,000: *Provided*, That no part

of this appropriation shall be expended for services, personal, professional, or otherwise, in excess of the rate of \$3,600 per annum: *Provided further*, That no part of this appropriation shall be expended for per diem and subsistence expenses except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert:

The unexpended balance of the appropriation for expenses of inquiries and investigations ordered by the Senate, contingent fund of the Senate, for the fiscal year 1934, is reappropriated and made available for the fiscal year 1935.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert:

For miscellaneous items, exclusive of labor, for the following fiscal years:

For 1933, \$14,305.35;  
For 1934, \$50,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert:

The unexpended balance of the appropriation for folding speeches and pamphlets, at a rate not exceeding \$1 per thousand, for the fiscal year 1934, is reappropriated and made available for the fiscal year 1935.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to insert:

Hereafter the fiscal year for the adjustment of the accounts of the Secretary of the Senate for compensation and mileage of Senators shall extend from July 1 to June 30; and all laws and parts of laws inconsistent herewith are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 3, after line 13, to insert:

Senators elected, whose term of office begins on the 3d day of January, and whose credentials in due form of law shall have been presented in the Senate, may receive their compensation monthly from the beginning of their term.

The amendment was agreed to.

The next amendment was, on page 3, after line 17, to insert:

Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified.

The amendment was agreed to.

The next amendment was, on page 3, after line 20, to insert:

Salaries of Senators elected to fill such vacancies shall commence on the day they qualify.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to insert:

When no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

When Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert:

When Senators have been elected during a session to succeed appointees, but have not qualified, the salaries of Senators so elected shall commence on the day following the sine die adjournment of the Senate.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

A Senator entitled to receive his own salary may appoint the usual clerical assistants allowed Senators.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives", on page 5, after line 17, to insert "To Lloyd Ellis, contestant, \$2,000"; and in line 21, after the words "in all", to strike out "\$9,433.89" and insert "\$11,433.89", so as to read:

Contested-election expenses: For payments to contestants and contestees for expenses incurred in the contested-election cases of *Lovette v. Reece*, *Ellis v. Thurston*, and *McAndrews v. Britten*, as audited and recommended by the Committee on Elections No. 1, respectively, as follows:

To O. B. Lovette, contestant, \$1,993.61;  
To B. Carroll Reece, contestee, \$1,782.46;  
To Lloyd Thurston, contestee, \$2,000;  
To Lloyd Ellis, contestant, \$2,000;  
To James McAndrews, contestant, \$1,657.82;  
To Fred A. Britten, contestee, \$2,000;  
In all, \$11,433.89, to be disbursed by the Clerk of the House.

The amendment was agreed to.

The next amendment was, on page 6, after line 22, to insert "To John J. Casey, contestant, \$2,000"; on page 7, after line 2, to insert "To James Simpson, Jr., contestee, \$2,000"; and in line 4, after the words "in all", to strike out "\$17,130.67" and insert "\$21,139.67", so as to read:

For payments to contestants and contestees for expenses incurred in the contested-election cases of *Sanders v. Kemp*, *Fox v. Higgins*, *Shanahan v. Beck*, *Casey v. Turpin*, *Brewster v. Utterback*, and *Weber v. Simpson*, as audited and recommended by the Committee on Elections No. 3, respectively, as follows:

To J. Y. Sanders, Jr., contestant, \$1,634.18;  
To Mrs. Bolivar E. Kemp, contestee, \$1,635.55;  
To William C. Fox, contestant, \$2,000;  
To William L. Higgins, contestee, \$1,743.20;  
To James M. Beck, contestee, \$1,339.82;  
To John J. Shanahan, contestant, \$817.75;  
To John J. Casey, contestant, \$2,000;  
To C. Murray Turpin, contestee, \$1,999;  
To John G. Utterback, contestee, \$2,000;  
To Ralph O. Brewster, contestant, \$1,970.17;  
To Charles H. Weber, contestant, \$2,000;  
To James Simpson, Jr., contestee, \$2,000;  
In all, \$21,139.67, to be disbursed by the Clerk of the House.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Architect of the Capitol", on page 9, at the beginning of line 23, to strike out "fiscal years 1934 and 1935" and insert "to be available until expended", and on page 10, line 5, after the word "until", to strike out "June 30, 1935" and insert "expended", so as to read:

Enlarging the Capitol Grounds: For an additional amount for completing the enlargement and improvement of the Capitol Grounds in accordance with the act entitled "An act to provide for the enlarging of the Capitol Grounds", approved March 4, 1929 (45 Stat. 1694), to be available until expended, \$189,720.02; and the limit of cost fixed in such act is increased by \$105,587.02 to complete the acquisition of property: *Provided*, That the unexpended balance of the appropriation of \$50,000 for the removal and demolition of structures in connection with the enlargement of the Capitol Grounds, contained in the First Deficiency Act, fiscal year 1932, is continued available until expended, for the same purposes and for the additional purposes of improvement and development.

The amendment was agreed to.

The next amendment was, on page 11, after line 2, to insert:

For an additional amount for maintenance, including the same objects specified under this head in the Legislative Branch Appropriation Act, 1935, \$29,536, of which \$25,000 shall be expended for additional painting.

The amendment was agreed to.

The next amendment was, on page 12, after line 11, to strike out:

#### LIBRARY OF CONGRESS

For three additional assistants for the law library in the United States Supreme Court Building from May 1 to June 30, 1935, both dates inclusive, \$1,000; such assistants to be under the control and direction of the Librarian of Congress, who is hereby authorized to transfer from time to time a sufficient number of law books and legal periodicals for use of the Supreme Court and the bar. The Librarian of Congress shall retain control of all material so transferred subject to the rules and regulations of the court, and the marshal of such court shall make available and maintain in such building sufficient space to accommodate such books and periodicals.

The amendment was agreed to.



The next amendment was, under the heading, "Independent Offices", on page 13, after line 1, to insert:

#### AVIATION COMMISSION

For five commissioners and for all other authorized expenditures for carrying into effect section 20 of the act entitled "An act to revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy", approved June 12, 1934, to be available during the fiscal year 1935, \$75,000.

The amendment was agreed to.

The next amendment was, under the subhead "Chicago World's Fair Centennial Celebration", on page 13, line 21, after the word "day", to strike out "\$150,000" and insert "\$200,000", so as to read:

For the purpose of carrying into effect the provisions of the act entitled "An act to amend an act entitled 'An act providing for the participation of the United States in A Century of Progress (the Chicago World's Fair Centennial Celebration) to be held at Chicago, Ill., in 1933, authorizing an appropriation therefor, for participation in A Century of Progress in 1934, to authorize an appropriation therefor, and for other purposes', approved May 21, 1934, and for each and every object authorized by said act, including travel expenses and subsistence at not to exceed \$5 per day, \$200,000, together with the unexpended balance of the appropriation for the Chicago World's Fair Centennial Celebration held in 1933 as contained in the act making appropriations for the Department of Agriculture for the fiscal year 1933, to remain available until June 30, 1935.

The amendment was agreed to.

The next amendment was, on page 14, after line 2, to insert:

#### CIVIL SERVICE COMMISSION

Salaries and expenses: For an additional amount for personal services and other expenses, including the same objects specified under this head in the Independent Offices Appropriation Act, 1935, \$306,000.

Printing and binding: For an additional amount for printing and binding, including the same objects specified under this head in the Independent Offices Appropriation Act, 1935, \$34,000.

The amendment was agreed to.

The next amendment was, under the subhead "General Accounting Office", on page 14, line 22, after the figures "\$1,000,000", to strike out the colon and the proviso "Provided, That persons employed hereunder may be appointed for temporary service without regard to civil-service rules and regulations", so as to make the paragraph read:

To enable the General Accounting Office to employ personnel to examine and settle claims and to audit and settle the accounts of receipts and expenditures of governmental agencies, including governmental corporations created after March 3, 1933, and to make current the audit of Postal Money Order and Postal Savings Accounts, including rent in the District of Columbia, printing and binding, office equipment and supplies, traveling expenses and other necessary contingent and miscellaneous expenses, fiscal years 1934 and 1935, \$1,000,000.

The amendment was agreed to.

The next amendment was, at the top of page 15, to insert:

#### NATIONAL ARCHIVES

For carrying out the provisions of the act entitled "An act to establish a National Archives of the United States Government, and for other purposes", approved June —, 1934, fiscal year 1935, \$100,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to insert:

#### SECURITIES EXCHANGE COMMISSION

For the purpose of administering the provisions of the Securities Exchange Act of 1934 and the Securities Act of 1933 (including, among other things, expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, newspapers and periodicals, and for paper, printing, and binding), fiscal year 1935, \$300,000.

Mr. LA FOLLETTE. Mr. President, I desire to ask the Senator from Colorado [Mr. ADAMS] concerning the appropriation on page 15, line 13, of \$300,000 for the Securities Exchange Commission. May I ask the Senator whether \$300,000 is the amount estimated?

Mr. ADAMS. That is the amount estimated by the Bureau of the Budget.

Mr. LA FOLLETTE. In view of the work the Commission will be called upon to do, and considering the expenditures of other commissions which have less responsibility con-

ferred upon them, it seems to me that this is a very small appropriation.

Mr. ADAMS. That may be true; but, as the Senator knows, we are restricted to the estimate which came from the Bureau of the Budget, namely, to \$300,000.

Mr. LA FOLLETTE. The Senator from Colorado is a member of the Committee on Banking and Currency and is very familiar with the details of the act which was passed. Perhaps he has some opinion as to whether or not this is an adequate amount; but it seems to me it would be a great mistake to have passed a very important piece of legislation, such as the Securities Exchange Act, and then not to provide a sufficient amount for its administration.

I desire to say further that the members of this Commission not yet having been appointed, of course, there is no one to defend it and to lay its problems before the Bureau of the Budget. It is in a different position than an existing commission which has an opportunity to present its case to the Bureau.

Mr. ADAMS. The Senator will realize that this appropriation merely goes to the first of the year; and it was deemed by the Director of the Budget, and also by the committee upon consideration, that that amount would enable the Commission to get into operation.

Mr. BYRNES. Mr. President, will the Senator from Wisconsin yield to me?

Mr. LA FOLLETTE. Surely.

Mr. BYRNES. In addition to the money appropriated in this deficiency bill, the Securities Act authorizes the President to transfer unexpended funds now in the hands of the Federal Trade Commission for the enforcement of the 1933 act.

Mr. LA FOLLETTE. Can the Senator tell me how much that is?

Mr. BYRNES. No, I cannot; but I know that this amount will certainly be adequate, together with the funds the President can transfer from the Federal Trade Commission, to permit this organization to continue into the next Congress, when they will have an opportunity to come to the Congress and advise us of the scope of the organization and of the necessities.

Mr. LA FOLLETTE. It is my understanding that there was not a very large unexpended balance, but I have not definite information to that effect. That is the reason why I asked the Senator whether or not he had such information.

Mr. BYRNES. Mr. President, I remember that in one of the bills passed at this session we appropriated, as I recall, \$350,000 additional to the Federal Trade Commission by reason of the enforcement of that act.

Mr. LA FOLLETTE. Was that at this session?

Mr. BYRNES. At this session of Congress. I am interested in the enforcement of this act.

Mr. LA FOLLETTE. I know the Senator is.

Mr. BYRNES. And I have not the slightest doubt that this amount, together with the amount which is available for transfer, is ample to carry the organization until such time as they can determine what their needs are, and then we can intelligently provide those needs.

Mr. LA FOLLETTE. I will say to the Senator from South Carolina that, in my opinion, there would have to be a very substantial balance remaining to the credit of the Federal Trade Commission for the enforcement of the Securities Act in order to supplement \$300,000 to the point where it would provide a sufficient fund to make the activities of this Commission effective.

Mr. COSTIGAN. Mr. President, will the Senator yield for a moment?

Mr. LA FOLLETTE. I yield.

Mr. COSTIGAN. It is my understanding that about \$500,000 is available for transfer from the Federal Trade Commission to the new Securities Exchange Commission. Was that the question of the Senator from Wisconsin?

Mr. LA FOLLETTE. Yes.

Mr. COSTIGAN. Those who are best informed about the probable activities of the new Commission are of the opinion that not less than one and a half million dollars in excess

of what is being here authorized should be appropriated, in addition to the funds being transferred from the Federal Trade Commission to the new Commission; or rather, that a total of one and a half million dollars in addition to the \$500,000 would be a modest estimate for the budget of the new Commission for the first fiscal year.

In reaching that estimate comparison has been made in round numbers of the annual appropriations for the Federal Radio Commission, \$666,885; the Federal Trade Commission, \$1,242,730; the Interstate Commerce Commission, \$5,430,970; the Tariff Commission, \$840,898; the Bureau of Navigation and Steamboat Inspection, \$1,337,752; the Bureau of Fisheries, \$1,252,556; the Bureau of Mines, \$1,197,926; and the Bureau of Foreign and Domestic Commerce, \$2,198,838.

At this time, so far as I heard his remarks, which, however, was only in part, I desire to record my judgment in support of what has been said by the Senator from Wisconsin on the basis of these figures, and in view of estimates which have been made to me by those who are presumed to be the best qualified to speak.

Mr. ADAMS. Are the Senator's figures based on an annual basis or a semiannual basis?

Mr. COSTIGAN. It is my understanding that they are based on an annual calculation.

Mr. ADAMS. Then \$800,000 is now available, according to the Senator's statement, until the first of the year, which is 6 months, which would be at the rate of \$1,600,000.

Mr. COSTIGAN. In other words, the Senator's view is that we shall have \$800,000 available between now and the time Congress next meets?

Mr. ADAMS. Yes; according to the Senator's figures.

Mr. COSTIGAN. If we are making the appropriation for 6 months only, probably the Senator's conclusion, though less than the moderate calculation I presented, has some warrant.

Mr. ADAMS. That is all the appropriation is for.

Mr. COSTIGAN. It is my understanding, however, as the title of the bill in a measure indicates, that we were dealing with an appropriation for the next fiscal year.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "District of Columbia", on page 16, after line 4, to insert:

#### PUBLIC UTILITIES COMMISSION

Salaries: For an additional amount for salaries, Public Utilities Commission, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1935, \$36,823.

The amendment was agreed to.

The next amendment was, on page 16, after line 9, to insert:

#### ALCOHOLIC BEVERAGE CONTROL BOARD

For an additional amount for the Alcoholic Beverage Control Board, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1935, \$18,408.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent and Miscellaneous Expenses", on page 16, line 20, after the figures "1933", to strike out "\$1,193" and insert "\$1,583"; so as to read:

Judicial expenses: For an additional amount for judicial expenses, including witness fees, and expert services in District cases before the Supreme Court of said District, for the fiscal years that follow:

For 1933, \$1,583;

For 1934, \$574.

The amendment was agreed to.

The next amendment was, under the subhead "Settlement of Claims", on page 21, line 14, after the word "in" to insert "Senate Document No. 184 and", and in line 16, after the name "Congress" to strike out "\$46,346.87" and insert "\$47,585.32"; so as to read:

For the payment of claims approved by the Commissioners under and in accordance with the provisions of the act entitled "An act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929 (45 Stat. 1160), as amended by the act approved June 5, 1930 (46 Stat. 500), and reported in Senate Document No. 184 and House Documents Nos. 329 and 366, Seventy-third Congress, \$47,585.32.

The amendment was agreed to.

The next amendment was, under the subhead "Forest Service", on page 26, line 18, after the figures "1935" to strike out "\$152,000" and insert "\$225,000"; so as to read:

Forest-fire cooperation: For an additional amount for cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression, including the same objects specified under this head in the Agricultural Department Appropriation Act of 1935, \$225,000.

The amendment was agreed to.

The next amendment was, at the top of page 28, to insert:

#### BUREAU OF PUBLIC ROADS

For the construction of roads within the grounds of the Thomas Jefferson Memorial Foundation at Monticello, near Charlottesville, Va., fiscal year 1935, \$30,000.

Mr. DICKINSON. Mr. President, referring to the first amendment on line 28, I desire to suggest that I think this is a very doubtful policy, but I shall not make the point of order against the legislation.

This amendment provides for the construction out of public funds of a public highway on property which does not belong to the United States. I think we are entering here upon a dangerous policy, and one under which we ought to proceed with caution. I do not think I shall make the point of order, however.

Mr. FESS. Mr. President, in a general way I have the same general conviction suggested by the Senator from Iowa; but in this particular case, while it might serve as a precedent, and I should be very regretful if it should, I think the item is a most worthy one.

There has been, as the Presiding Officer knows and every Senator knows, a very abiding desire to see Monticello completely restored. The work which has been done under the board of governors is very outstanding, and all of that work has been done thus far without the slightest expenditure on the part of the Government. I had hoped that the Government would take steps to complete the restoration, so that the Federal Government might have a part in this particular project.

Those who are familiar with this famous home will recall that it is located on an elevation of about 600 yards above the surrounding country, and is approached by a winding roadway, almost 2 miles long, through the woods. It is that piece of road proposed to be improved through the appropriation in this amendment, and it is such a national monument, with such national significance, and all thus far having been done without the slightest expenditure on the part of the Government, that I do not think anybody would object to this expenditure being made, although it ought not to be used as a precedent.

I should like to see an appropriation of something like \$100,000 to build the north wing, the group of houses which as yet have not been restored. The south wing has been completely restored, the part next to the famous garden laid out by Thomas Jefferson himself. Everything has been preserved in the finest possible shape except the one group of houses in the north wing, and if it had not been for the depression I had intended to introduce a bill to have the Federal Government make a contribution toward the completion of this great monument.

While I join the Senator from Iowa in suggesting caution against inaugurating any such movement as this, in this particular case I think it is very worth while, because without doubt this is the most outstanding mansion in connection with any great American that we have, either in Virginia or in any other State.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.



The next amendment was, under the heading "Department of Commerce", on page 28, after line 5, to insert:

OFFICE OF THE SECRETARY

Contingent expenses, Department of Commerce: For an additional amount for the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, \$2,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 15, to insert:

BUREAU OF FOREIGN AND DOMESTIC COMMERCE

Investigation of foreign-trade restrictions: For an additional amount for salaries and expenses, including the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, \$45,210, of which amount not to exceed \$44,712 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 28, after line 22, to insert:

Customs statistics: For an additional amount for salaries and expenses, including the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, \$11,580.

The amendment was agreed to.

The next amendment was, on page 29, after line 2, to insert:

Allowance for quarters, Foreign Commerce Service: For an additional amount for the same purposes specified under this head in the Department of Commerce Appropriation Act, 1935, \$57,060.

The amendment was agreed to.

The next amendment was, on page 29, after line 12, to insert:

BUREAU OF FISHERIES

Propagation of food fishes: For an additional amount for the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, to be expended in the Columbia River Basin, \$9,650.

The amendment was agreed to.

The next amendment was, on page 29, after line 17, to insert:

Inquiry respecting food fishes: For an additional amount for the same objects specified under this head in the Department of Commerce Appropriation Act, 1935, to be expended in the Columbia River Basin, of which amount not to exceed \$11,615 may be expended for salaries of permanent employees, \$24,140.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior", on page 30, after line 1, to insert:

OFFICE OF THE SECRETARY

Division of Investigations: Not to exceed \$10,000 of the appropriation "Salaries and expenses, Division of Investigations, Department of the Interior, 1935", shall be available to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Secretary of the Interior, who shall make a certificate of the amount of such expenditure as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

The amendment was agreed to.

The next amendment was, under the subhead "Reclamation Service", on page 32, after line 13, to insert:

Sale of unproductive lands: For the appraisal and sale of vacant public lands within Federal irrigation projects designated under the act of May 25, 1926 (44 Stat. 636), as temporarily unproductive or permanently unproductive in accordance with the provisions of the act of May 16, 1930 (46 Stat. 367), fiscal years 1934 and 1935, \$5,000 payable from the reclamation fund: *Provided*, That expenditures from this appropriation shall be reimbursable from the sales revenues, and that the Commissioner of Reclamation shall have charge of and attend to the appraisal and sale of such lands, and the fiscal agents of the Bureau of Reclamation shall be accountable under their official bonds for the proceeds of such sales.

The amendment was agreed to.

The next amendment was, on page 33, after line 19, to insert:

OFFICE OF EDUCATION

Federal Board for Vocational Education: Further development of vocational education in the several States and Territories: For carrying out the provisions of section 1 of the act entitled "An act to provide for the further development of vocational education in the several States and Territories", approved May 21, 1934 (Public, No. 245, 73d Cong.), fiscal year 1935, \$3,084,603;

Mr. ADAMS. Mr. President, it is desired that the committee amendment in lines 21 and 23 on page 33 be amended by striking out surplus language as follows: "Further development of vocational education in the several States and Territories", that language being a duplication.

Mr. FESS. Mr. President, may I ask the Senator from Colorado what is to be the effect of the amendment? Will it reduce the vocational work?

Mr. ADAMS. It simply is to strike out surplus language, which is a duplication.

Mr. FESS. Mr. President, I wanted to ask the Senator about the amendment at the bottom of page 32. Does that have anything to do with the marginal lands about which we have been talking?

Mr. ADAMS. Not a thing.

The PRESIDING OFFICER (Mr. KING in the chair). The question is on agreeing to the amendment offered by the Senator from Colorado to the committee amendment on page 33.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 34, after line 4, to insert:

Salaries and expenses, further development of vocational education: Salaries and expenses: For carrying out the provisions of section 2 of the act entitled "An act to provide for the further development of vocational education in the several States and Territories", approved May 21, 1934 (Public, No. 245, 73d Cong.), fiscal year 1935, \$60,000.

Mr. ADAMS. Mr. President, I offer a similar amendment to the committee amendment on page 34, lines 5 and 6, to strike out the following surplus language, "salaries and expenses, further development of vocational education."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the heading "Department of Justice", on page 35, after line 1, to insert:

OFFICE OF THE ATTORNEY GENERAL

Payment of rewards: For payment of rewards for the capture of anyone charged with violation of criminal laws of the United States or any State or the District of Columbia and/or for information leading to the arrest of any such person, as authorized by the act approved June 6, 1934, fiscal year 1935, to be immediately available, \$50,000.

The amendment was agreed to.

The next amendment was, on page 35, after line 18, to insert:

For an additional amount for printing and binding for the Department of Justice and the courts of the United States, fiscal year 1932, \$293.74.

The amendment was agreed to.

The next amendment was, on page 35, after line 21, to insert:

For rent of buildings and parts of buildings in the District of Columbia, fiscal year 1935, \$36,683.

The amendment was agreed to.

The next amendment was, under the subhead "United States Supreme Court", on page 36, line 19, after the word "service" to strike out "\$28,700" and insert "\$25,830", and, in line 24, after the words "in all" to strike out "\$43,700" and insert "\$40,830"; so as to read:

United States Supreme Court Building and Grounds: For custody and maintenance for the fiscal year ending June 30, 1935, as authorized by the act entitled "An act to provide for the custody and maintenance of the United States Supreme Court Building and the equipment and grounds thereof", approved May 7, 1934, as follows:

Domestic care under the marshal: For personal services, exclusive of any librarian service, \$25,830; for supplies and materials, uniforms and equipment for employees, telegraph and telephone, advertising, transportation, repairs, and such other miscellaneous and incidental expenses as may be necessary to the duties imposed upon the marshal by such act, \$15,000; in all, \$40,830.

The amendment was agreed to.

Mr. BORAH. Mr. President, I wish to recur to the amendment on page 32 and ask the Senator from Colorado the meaning of the amendment.

Mr. ADAMS. Mr. President, I must be frank with the Senator. I will have to ask some other member of the committee to make the explanation.

Mr. BORAH. I will let it be passed over for the present.

The PRESIDING OFFICER. Does the Senator desire to have the vote by which the amendment was agreed to reconsidered?

Mr. BORAH. I shall not ask now that it be reconsidered. I simply desire to have an explanation. If I do not get the explanation, I may ask for a reconsideration later.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment was, under the subhead "Marshals, district attorneys, clerks, and other expenses of United States courts", on page 37, line 22, after the figures "1930", to strike out "\$4,087.45" and insert "\$4,105.75"; in line 23, after the figures "1931", to strike out "\$6,977.37" and insert "\$7,065.37"; and in line 24, after the figures "1932", to strike out "\$13,937.92" and insert "\$14,258.52", so as to read:

Fees of commissioners: For additional amounts for fees of commissioners, United States courts, including the same objects specified under this head in the acts making appropriations for the Department of Justice for the following fiscal years:

For 1922, \$5.  
For 1925, \$10.  
For 1930, \$4,105.75.  
For 1931, \$7,065.37.  
For 1932, \$14,258.52.  
For 1933, \$25,684.33.

The amendment was agreed to.

The next amendment was, on page 38, line 11, after the figures "1930", to strike out "\$456.44" and insert "\$465.99", so as to read:

Miscellaneous expenses: For an additional amount for miscellaneous expenses, United States courts, including the same objects specified under this head in the act making appropriations for the Department of Justice for the fiscal year 1930, \$465.99.

The amendment was agreed to.

The next amendment was, on page 38, after line 18, to insert "For 1935, \$15,000", so as to read:

Supplies for United States courts: For additional amounts for supplies for United States courts, including the same objects specified under this head in the acts making appropriations for the Department of Justice for the following fiscal years:

For 1931, \$136.55.  
For 1932, \$180.63.  
For 1935, \$15,000.

The amendment was agreed to.

The next amendment was, on page 39, after line 8, to insert:

Retired pay of judges: That section 13 of the Independent Offices Appropriation Act, 1934, as continued in force by the Independent Offices Appropriation Act, 1935, shall not apply after the enactment of this act in the case of any judge of the Supreme Court of the United States who has resigned or shall hereafter resign under the provisions of section 260 of the Judicial Code, as amended.

The amendment was agreed to.

The next amendment was, under the subhead "Penal and correctional institutions", on page 39, after line 23, to insert "For 1935, \$100,000", so as to read:

Support of United States prisoners: For additional amounts for support of United States prisoners, including the same objects specified under this head in the acts making appropriations for the Department of Justice for the following fiscal years:

For 1924, \$978.58.  
For 1929, \$218.44.  
For 1935, \$100,000.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department", on page 40, line 10, after the word "in", to insert "Senate Document No. 214 and", and in line 13, after the name "Panama Railroad Co.", to strike out "\$12,054.33" and insert "\$15,126.33", so as to read:

#### SECRETARY'S OFFICE

Claims for damages by collision with naval vessels: to pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 28, 1922 (U.S.C., title 34, sec. 599), as fully set forth in Senate Document No. 214 and House Document No. 328, Seventy-third Congress, except item no. 6, page 4, of such document in favor of the Panama Railroad Co., \$15,126.33.

The amendment was agreed to.

The next amendment was, under the heading "Department of State", on page 42, after line 1, to insert:

#### OFFICE OF THE SECRETARY OF STATE

Salaries: For an additional amount for salaries, Department of State, including the same objects specified under this head in the Department of State Appropriation Act, 1935, \$94,720, to be expended by the Secretary of State without regard to the civil-service laws and regulations or the Classification Act of 1923, as amended.

The amendment was agreed to.

The next amendment was, on page 42, after line 8, to insert:

Contingent expenses: For an additional amount for contingent expenses, Department of State, including the same objects specified under this head in the Department of State Appropriation Act, 1935, \$4,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 8, to insert:

Payment to Harriet C. Holoday: For payment to Harriet C. Holoday, widow of Ross E. Holoday, late American Consul at Manchester, England, of 1 year's salary of her deceased husband, who died while in the Foreign Service, as authorized by the act approved May 21, 1934, \$6,000.

The amendment was agreed to.

The next amendment was, on page 43, after line 14, to insert:

Reimbursement of Stelio Vassiliadis: For reimbursement of Stelio Vassiliadis for expenditures made by him as Vice Consul of Spain at Kiev, Russia, in representing the interests of the United States at that post from March 1, 1918, to the end of February 1920, as authorized by the act approved June 6, 1934, \$406.53.

The amendment was agreed to.

The next amendment was, on page 44, after line 5, to insert:

#### WATERWAYS TREATY, UNITED STATES AND GREAT BRITAIN; INTERNATIONAL JOINT COMMISSION, UNITED STATES AND GREAT BRITAIN

For an additional amount for necessary special or technical investigations in connection with matters which fall within the scope of the jurisdiction of the International Joint Commission, including the same objects specified under this head in the Department of State Appropriation Act, 1935, \$17,555.

The amendment was agreed to.

The next amendment was, on page 49, after line 2, to insert:

Permanent Association of International Road Congresses: Not to exceed \$3,500 of the appropriation "Cooperative construction of rural post roads, administrative expenses", Department of Agriculture, is made available to pay the quotas of the United States in the Permanent Association of International Road Congresses, as authorized by the public resolution approved June 18, 1926 (U.S.C., Supp. VII, title 22, sec. 269), for the calendar years 1932, 1933, and 1934.

The amendment was agreed to.

The next amendment was, on page 49, line 11, to insert:

Mixed Claims Commission, United States and Germany: For expenses of determining the amounts of claims against Germany by the Mixed Claims Commission established under the agreement concluded between the United States and Germany on August 10, 1922, and subsequent agreement between those Governments, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, including the expenses which under the terms of such agreement of August 10, 1922, are chargeable in part to the United States, and the preparation of a final report by the American Commissioner and the orderly arrangement for preservation and disposition of the records of the Commission; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said Mixed Claims Commission, and the preparation of a final report of the agent and the orderly arrangement for preservation of the records of the agency and the disposition of property jointly owned by the two Governments, including salaries of an agent and necessary counsel and other assistants and employees, rent in the District of Columbia, employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, and for contract stenographic reporting services without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5), law books and books of reference, printing and binding, contingent expenses, traveling expenses, press-clipping service, for all necessary and appropriate expenses in connection with proceedings under the act entitled "An Act to amend the Act approved July 3, 1930 (46 Stat., 1005), authorizing Commissioners or members of international tribunals to administer



oaths, and so forth", approved June 7, 1933, including stenographic transcripts of the testimony of witnesses, and such other expenses in the United States and elsewhere as the President may deem proper, including payment for services rendered and reimbursement for expenditures incurred subsequent to December 31, 1933, fiscal year 1935, to be immediately available, \$57,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 2, to insert:

General and Special Claims Conventions, United States and Mexico: For the expenses of the settlement and adjustment of claims of the citizens of each country against the other under a convention concluded September 8, 1923, as extended, and of citizens of the United States against Mexico under a convention concluded September 10, 1923, as extended, and the protocol and convention signed April 24, 1934, between the United States and Mexico, including the expenses which, under the terms of the above agreements, are chargeable in part to the United States, the expenses of an agency of the United States to perform all necessary services in connection with the preparation of American claims and the defense of the United States in cases presented by Mexico, and of a general claims commissioner to act as a joint appraiser in appraising the claims, and for the expenses of the joint committee in determining the proper classification of claims which have heretofore been filed as both general and special claims, as provided by the agreements of April 24, 1934, including salaries of an agent and necessary counsel and other assistants and employees and rent in the District of Columbia and elsewhere, law books and books of reference, printing and binding, contingent expenses, contract stenographic reporting services, without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5), the employment of special counsel, translators, and other technical experts, by contract, without regard to the provisions of any statute relative to employment, traveling expenses, the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, and such other expenses in the United States and elsewhere as the President may deem proper, fiscal year 1935, to be immediately available, \$170,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 9, to insert:

Inter-American highway: To meet such expenses as the President in his discretion may deem necessary to enable the United States to cooperate with the several Governments, members of the Pan American Union, in connection with the survey and construction of the proposed inter-American highway, \$5,000,000, to remain available until expended.

Mr. DICKINSON. Mr. President, I make the point of order that the amendment for the inter-American highway, commencing on line 10 and ending at line 15, is not authorized by legislation and therefore cannot be attached as an amendment to this appropriation bill.

The PRESIDING OFFICER. The Chair will ask the Senator from Colorado whether this has been estimated for.

Mr. BYRNES. Mr. President, the item referred to was duly estimated for by the Director of the Budget.

Mr. DICKINSON. Mr. President, I suggest that there is no law under which we can make an appropriation for such purposes, and that if the Director of the Budget has certified this to the Congress, he has gone completely beyond his authority. There is no provision whereby we can spend the taxpayers' money for highway purposes in the various Provinces of Mexico. I make the point of order that this is not authorized by legislation, and under such a provision we would be entering into the construction of highways outside of the jurisdiction of our own country, and the amendment has not place in this appropriation bill. It is not based upon a treaty.

Mr. ADAMS. Mr. President, may I read the message which accompanied the request made of the committee? It is dated the White House, June 13, 1934, and is as follows:

TO THE PRESIDENT OF THE SENATE:

I have the honor to transmit herewith, with recommendation for its inclusion in the bill making appropriation to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, and to provide supplemental emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes, a proposed provision of legislation so as to make available the funds necessary to cooperate with the several governments, members of the Pan American Union, in connection with the survey and construction of a proposed inter-American highway. It is necessary that the proposed provision of legislation be inserted in the bill herein referred to if the United States is to cooperate with the several governments referred to.

Mr. DICKINSON. Mr. President, I desire to suggest that the very best argument in favor of my contention is the Budget officer's statement. He says that it is legislation which he wants so that there may be cooperation. Of course, if this money is appropriated, cooperation can be gotten with the South American governments in spending it, but such action will not be based upon any treaty; it will not be based upon any agreement; it will not be based on anything which will justify or warrant Congress in making this appropriation. There is no question that if we approve the suggestion and build this road we could enter into an agreement to build one on the eastern coast of the Panama Canal and in other sections of that country.

Mr. DILL. Mr. President, will the Senator yield?

Mr. DICKINSON. I yield.

Mr. DILL. If we are going to build a road to Panama, I think we should build one to Alaska.

Mr. DICKINSON. I am in favor of that in preference to the present suggestion.

Mr. BYRNES. Mr. President, because of the fact that the merits of the amendment have been referred to, and because of the statements made, I desire to make a very short statement as to the language of the amendment and the reasons for it. About 4 or 5 years ago the Congress made an appropriation of \$50,000 to make a survey of the proposed highway. The Central American governments, members of the Pan American Union, have been cooperating in the construction of this highway, a great part of it has been constructed, and, as the result of recent conferences between representatives of this Government and the Central American governments, the United States Government was requested as its part of the inter-American highway to make a contribution, the proposal being that the contribution by the Government of the United States should be not in cash but in materials purchased by this Government from our own manufacturers.

It is believed by the State Department that it is essential that we make this contribution in order to promote the good feeling which now fortunately exists between the Central American Governments and this Government. The State Department has written to the committee a very strong endorsement of the provision, setting forth the route proposed and the benefit to be derived by this Government from the construction of this highway.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL. Has the Chair ruled on the point of order?

The PRESIDING OFFICER. The Chair has not yet ruled on the point of order. The Chair recognizes the Senator from South Carolina.

Mr. BYRNES. Mr. President, I have nothing more to say about the merits of the proposal at this time.

Mr. DICKINSON. Mr. President, will the Senator yield for a question?

Mr. BYRNES. I yield.

Mr. DICKINSON. Is this proposal based upon any treaty?

Mr. BYRNES. It is not based upon any treaty of which I know.

Mr. DICKINSON. Is it based upon any legislation which has been passed by Congress?

Mr. BYRNES. No; not so far as I am aware. I do not have before me the original act authorizing the survey and the appropriation of \$50,000, nor have I read that act. Therefore, I am not able to say that it did authorize the construction of the highway.

Mr. DICKINSON. Then, according to the statement of the Senator from South Carolina, there is absolutely no authorization legislatively for this expenditure, and there is no way by which the Congress can make this appropriation unless it goes outside of its powers.

Mr. FESS. Mr. President, Senators will recall that the original recommendation was first made by James G. Blaine in 1881, when he was Secretary of State. In the famous message by Garfield on closer union with South America there were made three recommendations. One was that all

difficulties between our country and the South American and Central American countries should be adjusted by arbitration. The second was that there should be created what is known as the "Union of the Pan American Republics", now called the "Pan American Union." The third was that in time there should be built, if possible, either a railroad or a highway from North America into South America. All are familiar with the carrying into effect of the first two recommendations. The Pan American Union is now established with headquarters in Washington.

The PRESIDING OFFICER. May the Chair inquire of the able Senator from Ohio whether there was any legislation or any resolution with reference to the agreements?

Mr. FESS. There was not, except the treaties which effectuated the Pan American Union.

The PRESIDING OFFICER. Are those treaties still in effect?

Mr. KING. They are. Mr. President, I think that while the purpose is a good one, there is not any doubt but what this proposal is to do that which is contrary to law. It is a thing we have wanted to do, but so far as I know, there is no legislation which authorizes this step, which has been in the minds of the public for many years.

The PRESIDING OFFICER. May the Chair make an inquiry of the Senator from Ohio in order that he may be advised before ruling? In the light of the Senator's statement that, should this proposed legislation be adopted, it would be contrary to law, of what law would it be violative?

Mr. FESS. My opinion is that there could not be anything of this sort except in the form of treaty, and there is no treaty covering this subject of which I know.

The PRESIDING OFFICER. If there is no treaty and if there is no law, how could what is proposed be in contravention of any law?

Mr. FESS. It would simply fall, because there is no authority.

Mr. McNARY. Mr. President, I have a slight acquaintance with this matter and rather positive views as to the preliminary stages. I regret the absence of the able Senator from Arizona [Mr. HAYDEN] who discussed this matter with me, and at whose suggestion I offered it. It was accepted without debate. I do not know of any treaty which has ever been entered into between the United States and South American countries looking to the construction or the survey of a road to Panama. I recall that about 4 years ago we passed a bill of that nature permitting the Secretary of Agriculture and the Secretary of State to negotiate with and cooperate with the Pan American Union for the construction of a road from the southern borders of Arizona to Panama. That survey was made under that statute in cooperation with the Pan American Union. There was appropriated a sum sufficient to carry on this project from Panama down to the South American States. It was not all expended. It is now proposed to use that unexpended balance to continue this great highway along the North American coast, which we now have to the Gulf and along the Atlantic States, down through Mexico to Panama and from Panama to the South American States, making it the longest highway in the world, uniting South America, Central America and North America.

The purpose of this amendment is to expend that sum which has not been heretofore used. It is expending an old sum heretofore appropriated by Congress, and in no sense, if I understand the rule, is it subject to a point of order.

The PRESIDING OFFICER. The Chair is ready to rule.

Mr. LA FOLLETTE. Mr. President, I should like to be heard on the point of order. It seems to me that the Senator from Iowa [Mr. DICKINSON] has somewhat confused paragraph 2 of rule XVI with paragraph 1. Of course, if this were general legislation, it would obviously be subject to a point of order under paragraph 2 of rule XVI; but it does seem to me that a reading of paragraph 1 of rule XVI clearly indicates that this amendment is not subject to a point of order. If the Chair will bear with me, I should like to read it:

All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received

to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or—

Here is the phrase under which it seems to me this appropriation is clearly in order—

or unless the same—

Referring either to a new item or an increase—

or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

Obviously the Committee on Appropriations itself is a standing committee of the Senate, and it is my interpretation of the last clause of that rule that this committee has the right to add any item of appropriation, just as any other standing committee would have that right, and that it is not subject to a point of order under the rule.

Mr. DICKINSON. Mr. President, before the Chair rules, I wish to say a word to two. I was familiar with the \$50,000 authorization for a survey and for negotiations. It was in line with the program of the Pan American Union and the cooperation of South American countries in matters of this kind, but under no circumstances has there been, and in none of the legislation was there, any authorization for the construction of a highway. It was purely a question of negotiations and surveys, the accumulation of data, and so forth. Here we are extending that authorization to the construction of a highway and proposing to appropriate \$5,000,000 of the taxpayers' money for the purpose of carrying out that project. That is the reason why I say if we will turn back to the old authorization of \$50,000, if we will turn back to the law with reference to this Pan American project, it will be found that under no circumstances has it ever been suggested that we were authorized to construct a highway out of the money of the taxpayers of this country.

Mr. CAREY. Mr. President, it was explained in the Committee on Appropriations that the purpose of this appropriation was to buy \$5,000,000 worth of machinery which would be given to certain Central American countries. That being the purpose of this appropriation, it seems to me that this is legislation. I do not know of any treaty or law which provides for furnishing machinery; and that was the explanation given in the committee yesterday.

Mr. JOHNSON. Mr. President, I am very curious to ascertain whether the statement which has just been made by the Senator from Wyoming is the understanding of the other members of the Appropriations Committee. The query is, Is this \$5,000,000 to be appropriated to buy machinery to give to South American countries? That is the statement which has just been made.

Mr. BYRNES. Mr. President, the appropriation is made, as stated by the State Department in a communication to the committee, for the purpose of cooperating with Central American countries in the construction of this highway. That is what it is to be used for.

Mr. CAREY. Mr. President, I should like to ask the Senator a question. I believe the Senator from South Carolina was present at the meeting of the committee, and I should like to ask if the statement was not made to the committee that the purpose of this appropriation was to buy machinery to be given to Central American countries?

Mr. BYRNES. I do not know that it is correct to say "to be given to Central American countries." It is to be our contribution to the construction of that highway.

Mr. CAREY. The statement was made that we were to buy machinery for the construction of that highway.

Mr. BYRNES. Substantially the statement is correct.

Mr. JOHNSON. Mr. President, I submit, first, that we have not any right to do any such thing; and I submit, secondly, that if we have \$5,000,000 to "blow in" in Central America we might better "blow" that money in in the United States of America.

Mr. RUSSELL. Mr. President, the statement has been made upon the floor that the State Department regarded



this appropriation as being essential in order to promote good feeling and friendship to this country on the part of South American countries. I wonder what the reaction of the Senator from California is to our sad experience in the past in connection with the buying of the good feeling of foreign nations, and whether it is not better to deal with all nations in an upright and honorable manner and in a spirit of cooperation rather than to attempt to purchase their friendship, which will not last long after the money is spent.

Mr. JOHNSON. Mr. President, if the Senator is addressing me, I think that if we pay \$5,000,000 for somebody's goodwill, the goodwill will not be worth a rap, in the first place; the price is so cheap that they would not have any regard to it in their dealings with us, in the second place; and, in the third place, we should not expend 15 cents in such a direction.

Mr. McNARY. Mr. President, I am suffering under some confusion as to the facts rather than as to the construction of the rule. When this matter came up—and I regret the Senator from Arizona [Mr. HAYDEN] is not present—I offered an amendment to spend the remaining portion of the \$50,000 for a survey. In this bill it seems that \$5,000,000 is added for construction purposes. I wish the Senator from Arizona could be here, and on that I am so insistent that I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Costigan	Hebert	Pope
Ashurst	Couzens	Johnson	Reynolds
Austin	Cutting	Kean	Robinson, Ark.
Bachman	Davis	King	Robinson, Ind.
Bailey	Dickinson	La Follette	Russell
Bankhead	Dieterich	Lewis	Schall
Barbour	Dill	Logan	Sheppard
Barkley	Duffy	Loneragan	Shipstead
Black	Erickson	Long	Smith
Bone	Fess	McCarran	Steiwer
Borah	Fletcher	McGill	Stephens
Brown	Frazier	McKellar	Thomas, Okla.
Bulkley	George	McNary	Thomas, Utah
Bulow	Gibson	Metcalf	Thompson
Byrd	Glass	Murphy	Townsend
Byrnes	Goldsborough	Neely	Tydings
Capper	Gore	Norbeck	Vandenberg
Caraway	Hale	Norris	Wagner
Carey	Harrison	Nye	Walcott
Clark	Hastings	O'Mahoney	Walsh
Connally	Hatch	Overton	Wheeler
Coolidge	Hatfield	Patterson	White
Copeland	Hayden	Pittman	

The PRESIDING OFFICER. Ninety-one Senators have answered to their names. A quorum is present.

Mr. GORE. Mr. President, I ask the attention of the Senator from Colorado [Mr. ADAMS] who is in charge of the pending appropriation bill.

I ask unanimous consent for the immediate consideration of a joint resolution which ought to be passed before the Congress adjourns. It has the approval of the Secretary of Agriculture and the Treasury Department. I have conferred with the Chairman of the Senate Committee on Banking and Currency, the Chairman of the Senate Committee on Agriculture and Forestry, with the Senator from Ohio [Mr. FESS], who was in charge on the other side of the Chamber in the absence of the Senator from Oregon [Mr. McNARY], and I have conferred with the Senator from Oregon himself.

The resolution does this and nothing else. It authorizes the Secretary of the Treasury, upon a proper showing made, to grant an extension not exceeding 90 days in the collection of the processing tax on hogs slaughtered by concerns which slaughter not more than 5,000 hogs per month. The processing tax is proving very burdensome to the smaller concerns because it is now \$2.25 per hundred. The processing tax began at 50 cents, stepped up to \$1, then to \$1.50, and then to \$2.25. The larger packing concerns, in anticipation of the higher tax, slaughtered on an enormous scale. The smaller concerns have to operate from day to day. They are now paying \$2.25 per hundred and are obliged to compete with the larger concerns which paid only 50 cents. The small concerns provide a local market

for the farmer and provide some competition with the larger concerns.

I think there should be no serious objection to the proposal. I have the assurance of the leaders of the House that if it shall pass the Senate it will in all probability pass the House.

The PRESIDING OFFICER. May the Chair state to the Senator from Oklahoma that there is an amendment pending against which a point of order has been raised, and the Chair is ready to rule upon the point of order.

Mr. GORE. Very well; I shall bring the matter up later.

Mr. McNARY. Mr. President, I hurriedly entered the Chamber upon summons in the belief that the amendment pending is one which I offered. I find that the amendment which I offered was to the road bill. It took care of the survey only from Panama to the Central American States without any appropriation for construction purposes. My argument is based upon that theory.

I further find my position strengthened by the act to which I made reference, the one passed in April 1929, authorizing the survey. The amendment incorporated in the bill has in part the purpose to enlarge the appropriation. I submit the matter to the Chair.

The PRESIDING OFFICER. May the Chair inquire of the Senator from Oregon whether he regards the proposed amendment as in contravention of existing law or of any treaty? The Chair has not been advised that it is.

Mr. McNARY. The whole question does not rest upon the survey. Particularly that comes within the rules and precedents of the Senate. The only question involved is whether there is authority by treaty or otherwise to authorize an appropriation of \$5,000,000 for whatever use may be made of it—to give it away as a gratuity or to use it for the purpose of affording funds for the object in mind.

Mr. DICKINSON. Mr. President, before the Chair rules I invite his attention to the wording of the act with reference to the \$50,000 and the survey, as follows:

*Resolved, etc., That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 to enable the Secretary of State to cooperate with the several governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate, in the reconnaissance surveys to develop the facts and to report to Congress as to the feasibility of possible routes, the probable cost, the economic service and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees, transportation and subsistence or per diem in lieu of subsistence, (notwithstanding the provisions of any other act), stenographic or other services by contract if deemed necessary, and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described.*

That is merely a resolution to cooperate with the countries in the matter of determining the information. There is no authorization for the construction of highways. There is absolutely no authority given by which we could pretend that we have an excuse to appropriate money out of the Public Treasury at the expense of the American taxpayer for this purpose.

Let me suggest with reference to the Budget estimate signed by the Budget Director that the fact that there is no law is best evidenced by the fact that it is not cited in his letter. It is pretended because we have the signature of the Budget Director that there is authorization to make an appropriation, although there is no authorization of law.

The Chair has asked, what law does it contravene or what law is against it? Have we reached the point where we are going to appropriate money out of the Public Treasury because there is no law against it? There is only one way we can appropriate money, and that is when we have a law authorizing the appropriation. It is not the privilege of Congress to appropriate money out of the Public Treasury without an authorization. The only way we could make the payment would be to have some authorization from Con-

gress for the construction and cooperation in the maintenance of an international highway such as is proposed.

The fact that there is no law on the statute books against appropriating the money is a slim excuse for the Senate to take the stand that we may appropriate money because we have the signature of the Budget Director, which says that he approves it. As a matter of fact, it is our business, as protectors of the American taxpayers, if the Budget Director sends an estimate which is not authorized by law, to see that it is not honored.

I am not interested in the highway. I care little what the decision of the Chair is, except that I believe in the fundamentals of our Government, and that before we are entitled to appropriate money out of the Public Treasury we have to have some authorization for doing it.

The Appropriations Committee is not authorized to put an amendment on the bill for any amount of money unless there is an authorization. The rules of the House and the rules of the Senate both prohibit us from putting on a bill any such amendment for an appropriation which is not authorized by law.

**THE PRESIDING OFFICER.** The Chair is not called upon to announce a policy or to approve or disapprove the policy either of the committee or of the Congress or of either branch of Congress.

The argument of the Senator from Iowa goes rather to the question of policy than to the question of a proper interpretation of the rule. The Senator has invited attention to an act of Congress approved March 4, 1929. I am not quite clear as to the interpretation which the Senator places upon it, but if the Senator contends that it is a restriction upon the authority of the Senate to pass a measure of the nature of the amendment under consideration, the present occupant of the Chair is compelled to disagree with him.

The Senator from Wisconsin [Mr. LA FOLLETTE] I believe properly interpreted the rule by which the Chair must be guided. There is no law or treaty, so far as the Chair has been advised, which would be contravened by the enactment of the proposed amendment. Therefore the Chair resorts to rule XVI for guidance in passing upon the question involved. The amendment comes under this provision of the rule, the pertinent part of which is as follows:

Or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate submitted in accordance with law.

The appropriation is initiated by a standing committee of the Senate. It has been approved, as the Chair is advised, by the Budget Director and an estimate has been submitted by him.

Under the interpretation the Chair places upon the rule, the Chair is constrained to overrule the point of order.

Mr. DICKINSON. Mr. President, I am compelled to appeal from the decision of the Chair for the reason that I think the question is so far-reaching. It is a question of appropriating money out of the Public Treasury without any authorization of law. I want to see whether or not the Senate wishes to approve that sort of procedure. The statement of the Chair itself is that there is no authorization of law for the appropriation.

**THE PRESIDING OFFICER.** The Senator from Iowa desires to appeal from the decision of the Chair.

Mr. BYRNES. Mr. President, I move to lay the appeal on the table.

**THE PRESIDING OFFICER.** The Senator from South Carolina moves to lay the appeal on the table.

Mr. DICKINSON. Mr. President, I desire to have the yeas and nays on that motion. I make the point of no quorum.

**THE PRESIDING OFFICER.** The point of no quorum is made. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Barbour	Brown	Caraway
Ashurst	Barkley	Bulow	Carey
Austin	Black	Byrd	Clark
Bachman	Bone	Byrnes	Connally
Bankhead	Borah	Capper	Coolidge

Costigan	Gore	McKellar	Schall
Couzens	Hale	McNary	Sheppard
Cutting	Harrison	Metcalf	Shipstead
Davis	Hastings	Murphy	Smith
Dickinson	Hatch	Neely	Stephens
Dieterich	Hatfield	Norris	Thomas, Okla.
Dill	Hayden	Nye	Thomas, Utah
Duffy	Hebert	O'Mahoney	Thompson
Erickson	Kean	Overton	Townsend
Fess	King	Patterson	Tydings
Fletcher	La Follette	Pittman	Vandenberg
Frazier	Logan	Pope	Wagner
George	Lonergan	Reynolds	Walcott
Gibson	Long	Robinson, Ark.	Walsh
Glass	McCarran	Robinson, Ind.	Wheeler
Goldsbrough	McGill	Russell	White

**THE PRESIDING OFFICER.** Eighty-four Senators having answered to the call of the roll, a quorum is present.

The question before the Senate is as follows:

On page 52 of the pending bill, lines 10 to 15, an amendment has been offered making an appropriation of \$5,000,000, to remain available until expended. The Senator from Iowa [Mr. DICKINSON] raised the point of order as to the validity of this added appropriation of funds upon this bill. The Chair overruled the point of order, and the Senator from Iowa appealed from the decision of the Chair.

Mr. LA FOLLETTE. Mr. President, a point of order. I understood that the Senator from South Carolina [Mr. BYRNES] moved to lay the appeal on the table.

**THE PRESIDING OFFICER.** The Chair will come to that. He desired to advise Senators who have recently come into the Chamber of the existing condition.

The Senator from South Carolina [Mr. BYRNES] moved to lay the appeal upon the table. The question now is, Shall the motion of the Senator from South Carolina prevail, and the appeal be laid upon the table?

Mr. DICKINSON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. HEBERT (when his name was called). I have a pair with the Senator from Illinois [Mr. LEWIS]. Not knowing how he would vote on this question, I am obliged to withhold my vote. If at liberty to vote, I would vote "nay."

**THE PRESIDING OFFICER** (when Mr. KING's name was called). The present occupant of the Chair asks permission to be excused from voting upon this motion.

Mr. ROBINSON of Arkansas (when his name was called). I transfer my general pair with the Senator from Pennsylvania [Mr. REED] to the Senator from New York [Mr. COPELAND], and will vote. I vote "yea."

The roll call was concluded.

Mr. WALCOTT. I have a general pair with the junior Senator from California [Mr. McADOO]. Not knowing how he would vote on this question, I refrain from voting. If at liberty to vote, I would vote "nay."

Mr. METCALF (after having voted in the negative). Has the Senator from Maryland [Mr. TYDINGS] voted?

**THE PRESIDING OFFICER.** That Senator has not voted.

Mr. METCALF. Then, not knowing how the Senator from Maryland would vote if present, I withdraw my vote.

Mr. ROBINSON of Arkansas. I desire to announce that the Senator from California [Mr. McADOO] is absent because of illness, and that the Senator from Nevada [Mr. McCARRAN], the Senator from North Carolina [Mr. BAILEY], the Senator from Washington [Mr. BONE], the Senator from Florida [Mr. TRAMMELL], the Senator from New York [Mr. COPELAND], the Senator from Indiana [Mr. VAN NUYS], the Senator from Utah [Mr. KING], the Senator from Illinois [Mr. LEWIS], the Senator from Colorado [Mr. COSTIGAN], and the Senator from Wisconsin [Mr. DUFFY] are necessarily detained from the Senate.

Mr. HEBERT. I announce the general pair of the Senator from New Hampshire [Mr. KEYES] with the Senator from Indiana [Mr. VAN NUYS].

I also announce the general pair of the Senator from Oregon [Mr. STEIWER] with the Senator from Wisconsin [Mr. DUFFY]. The Senator from Oregon is detained on business of the Senate.

Mr. HARRISON (after having voted in the affirmative). I have a general pair with the Senator from Oregon [Mr.



McNARY], who has been temporarily called from the Chamber on business of the Senate. Not knowing how he would vote on this question, I transfer my pair with him to the Senator from Florida [Mr. TRAMMELL], and will let my vote stand.

Mr. METCALF. Mr. President, I see that the honorable Senator from Maryland [Mr. TYDINGS] is present now, so I am at liberty to vote. I vote "nay."

The result was announced—yeas 52, nays 24, as follows:

## YEAS—52

Adams	Connally	La Follette	Robinson, Ark.
Ashurst	Coolidge	Logan	Russell
Bachman	Cutting	Louderman	Sheppard
Bankhead	Dieterich	Long	Shipstead
Barkley	Erickson	McGill	Smith
Black	Fletcher	McKellar	Stephens
Brown	Frazier	Murphy	Thomas, Okla.
Bulkeley	George	Neely	Thomas, Utah
Bulow	Gibson	Nye	Thompson
Byrd	Glass	Overton	Vandenberg
Byrnes	Harrison	Pittman	Wagner
Caraway	Hatch	Pope	Walsh
Clark	Hayden	Reynolds	Wheeler

## NAYS—24

Austin	Davis	Hale	O'Mahoney
Barbour	Dickinson	Hastings	Patterson
Borah	Dill	Hatfield	Robinson, Ind.
Capper	Fess	Kean	Schall
Carey	Goldsborough	Metcalf	Townsend
Couzens	Gore	Norris	White

## NOT VOTING—20

Bailey	Hebert	McAdoo	Steinwer
Bone	Johnson	McCarran	Trammell
Copeland	Keyes	McNary	Tydings
Costigan	King	Norbeck	Van Nuys
Duffy	Lewis	Reed	Walcott

So Mr. DICKINSON's appeal from the decision of the Chair was laid on the table.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9145) to authorize the attendance of the Marine Band at the national encampment of the Grand Army of the Republic to be held at Rochester, N.Y., August 14, 15, and 16, 1934, and at the national convention of the Disabled American Veterans of the World War, to be held at Colorado Springs, Colo., during the first week in July, and at the annual convention of the Thirtieth Division of the American Expeditionary Forces, to be held at Asheville, N.C., on September 28, 29, and 30, 1934; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. VINSON of Georgia, Mr. DREWRY, and Mr. BRITTEN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8910) to establish a National Archives of the United States Government, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KELLER, Mr. WARREN, and Mr. LUCE were appointed managers on the part of the House at the conference.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 852. An act to amend section 24 of the Trading with the Enemy Act, as amended;

S. 1735. An act to amend an act approved May 14, 1926 (44 Stat. 555), entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims";

S. 2248. An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation;

S. 3147. An act to amend the act approved June 28, 1932 (47 Stat. 337);

S. 3230. An act creating the Florence Bridge Commission and authorizing said Commission and its successors and assigns to construct, maintain, and operate a bridge across the Missouri River at or near Florence, Nebr.;

S. 3404. An act authorizing loans from the Federal Emergency Administration of Public Works for the construction of certain municipal buildings in the District of Columbia, and for other purposes;

S. 3723. An act to amend the Mineral Lands Leasing Act of 1920 with reference to oil- or gas-prospecting permits and leases;

H.R. 1503. An act to amend the act entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California", approved March 1, 1893, as amended;

H.R. 1567. An act amending section 1 of the act of March 3, 1893 (27 Stat. 751), providing for the method of selling real estate under an order or decree of any United States court;

H.R. 3243. An act for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased;

H.R. 3296. An act for the relief of Carl F. Castleberry;

H.R. 3318. An act to reimburse Earl V. Larkin for injuries sustained by the accidental discharge of a pistol in the hands of a soldier of the United States Army;

H.R. 3793. An act for the relief of Anthony Hogue;

H.R. 4579. An act for the relief of Dr. Charles T. Granger;

H.R. 4666. An act for the relief of Jerry O'Shea;

H.R. 4670. An act for the relief of Lyman D. Drake, Jr.;

H.R. 4952. An act for the relief of Theodore W. Beland;

H.R. 4957. An act for the relief of F. M. Peters and J. T. Akers;

H.R. 5018. An act to correct the naval records of former members of the crews of the revenue cutters *Algonquin* and *Onondaga*;

H.R. 5809. An act to provide compensation for Robert Rayford Wilcoxson for injuries received in citizens' military training camp;

H.R. 5864. An act to authorize the payment of expenses of delegates of the Yakima Confederated Tribes of Indians while on a mission to represent such tribes before Congress and the executive departments at the seat of government, and for other purposes;

H.R. 5947. An act authorizing adjustment of the claim of the Western Union Telegraph Co.;

H.R. 6238. An act for the relief of M. R. Welty;

H.R. 6284. An act for the relief of John R. Novak;

H.R. 6324. An act for the relief of Mabel Carver;

H.R. 6350. An act for the relief of Arthur Smith;

H.R. 6366. An act making appropriation to restore water of high-mineral content on land owned and controlled by the Federal Government;

H.R. 6497. An act for the relief of James Henry Green;

H.R. 6622. An act authorizing the Secretary of Commerce to lease certain Government land at Woods Hole, Mass.;

H.R. 6625. An act for the relief of Charles Farr;

H.R. 6696. An act for the relief of William T. Roche;

H.R. 6998. An act for the relief of Capt. Frank J. McCormack;

H.R. 7121. An act authorizing the Secretary of the Treasury to pay Dr. A. W. Pearson, of Peever, S.Dak., and the Peabody Hospital, at Webster, S.Dak., for medical services and supplies furnished to Indians;

H.R. 7230. An act for the relief of J. B. Hudson;

H.R. 7264. An act for the relief of M. N. Lipinski;

H.R. 7272. An act for the relief of John W. Adair;

H.R. 7348. An act to amend section 3937 of the Revised Statutes;

H.R. 7387. An act for the relief of Royce Wells;

H.R. 7631. An act for the relief of Arthur A. Burn, Sr., and J. K. Ryland;

H.R. 7670. An act relating to conveyance of letters by private hands without compensation, or by special messenger employed for the particular occasion only;

H.R. 7893. An act for the relief of Ralph LaVern Walker;

H.R. 7953. An act for the relief of the Dallas County Chapter of the American Red Cross;

H.R. 8108. An act for the relief of Jeannette Weir;

H.R. 8323. An act for the relief of the heirs of C. K. Bowen, deceased;

H.R. 8460. An act to amend section 392 of title 5 of the United States Code;

H.R. 8513. An act to authorize the coinage of 50-cent pieces in commemoration of the boyhood home of Gen. Thomas J. (Stonewall) Jackson;

H.R. 8514. An act authorizing the Secretary of the Treasury to convey a part of the post-office site in San Antonio, Tex., to the city of San Antonio, Tex., for street purposes, in exchange for land for the benefit of the Government property;

H.R. 8537. An act to extend the benefits of the Employees' Compensation Act of September 7, 1916, to William Thomas;

H.R. 8644. An act to provide warrant officers of the Coast Guard parity of promotion with warrant officers of the Navy;

H.R. 8688. An act for the relief of Stella E. Whitmore;

H.R. 8700. An act to establish a Code of Laws for the Canal Zone, and for other purposes;

H.R. 8728. An act authorizing the Secretary of War to lease or to sell certain lands and buildings, known as Camp Eagle Pass, Tex., to the city of Eagle Pass, Tex.;

H.R. 8833. An act to authorize the coinage of 50-cent pieces in commemoration of the three-hundredth anniversary of the founding of the Colony of Connecticut;

H.R. 8909. An act to authorize the Secretary of the Treasury to amend the contract for sale of post-office building and site at Findlay, Ohio;

H.R. 8930. An act to provide for the construction and operation of a vessel for use in research work with respect to ocean fisheries;

H.R. 9007. An act to amend section 11 of the District of Columbia Alcoholic Beverage Control Act;

H.R. 9234. An act to amend section 601 (c) (2) of the Revenue Act of 1932;

H.R. 9371. An act to authorize the incorporated town of Douglas City, Alaska, to undertake certain municipal public works, including construction, reconstruction, enlargement, extension, and improvements of its water-supply system; and construction, reconstruction, enlargement, extension, and improvements to sewers, and for such purposes to issue bonds in any sum not exceeding \$40,000;

H.R. 9402. An act to authorize the incorporated town of Fairbanks, Alaska, to undertake certain municipal public works, including construction, reconstruction, and extension of sidewalks; construction, reconstruction, and extension of sewers, and construction of a combined city hall and fire department building, and for such purposes to issue bonds in any sum not exceeding \$50,000;

H.R. 9571. An act granting the consent of Congress to the county commissioners of Essex County, in the State of Massachusetts, to construct, maintain, and operate a free highway bridge across the Merrimack River, in the city of Lawrence, Mass.;

H.R. 9617. An act to authorize the reduction of the required distance between liquor distilleries and rectifying plants and to authorize higher fences around distilleries;

H.R. 9645. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Washington, Mo.;

H.R. 9646. An act to authorize the acquisition of additional land for the Upper Mississippi River Wild Life and Fish Refuge; and

H.J.Res. 341. Joint resolution authorizing an appropriation for the participation of the United States in the international celebration at Fort Niagara, N.Y.

#### DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H.R. 9830) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes.

Mr. DICKINSON. Mr. President, there is now pending before the Senate for adoption the following amendment, on page 52, starting at line 10, reading as follows:

Inter-American highway: To meet such expenses as the President in his discretion may deem necessary to enable the United States to cooperate with the several Governments, members of the Pan American Union, in connection with the survey and construction of the proposed inter-American highway, \$5,000,000, to remain available until expended.

I desire to suggest that there is no possible justification for that expenditure at the present time. We are not obligated under the law to make it; there is no treaty negotiation whereby it can be justified. If we are to start in with the construction of highways beyond the borders of the United States they will lead in all directions from the United States, and those who believe we are to get a real benefit from this sort of a program are entirely in error.

I wish to suggest something in reference to the efficiency of this matter. The Presiding Officer has admitted that there is no treaty authorization, that there is absolutely no legislation authorizing this expenditure, and I submit that there is no way by which the expenditure can be justified under existing law.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Chair will ask that there be order in the Senate.

Mr. DICKINSON. Mr. President, I should think those Democratic Senators who voted in the affirmative on the question just decided, when they were in effect voting to approve an expenditure of \$5,000,000 without any authority of law, ought to do something to divert their minds from a project of this kind.

The Budget Director has sent an estimate to Congress, and I wish to read the estimate in order to have it all in the RECORD. The confession on the face of it is that there is no authorization of law for this expenditure. It is the worst indictment for lack of efficiency I have seen since I have been a Member of the Senate.

I read first the message from the President:

To the President of the Senate.

I ask the present occupant of the chair [Mr. ASHURST], Chairman of the Committee on the Judiciary, versed in the law, to listen to this:

SIR: I have the honor to transmit herewith, with recommendation for its inclusion in the bill "Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes", a proposed provision of legislation—

This is signed by Franklin D. Roosevelt, President of the United States, and he says in this communication that he proposes this legislation. Yet the Senate, by a record vote, has said that it is not legislation, when Senators voted to overrule the point of order, in making which I insisted that it was legislation on an appropriation bill. Here is the confession of the Democratic occupant of the White House that it is legislation. I quote further—

so as to make available the funds necessary to cooperate with the several governments, members of the Pan American Union, in connection with the survey and construction of a proposed inter-American highway.

Of course, for those who have plenty of money and want an international highway, this might be a good thing, but it is a bad thing for the taxpayer and it is a bad thing to get started in this country of ours, because these roads will run in all directions from the boundary lines, both north and south. Sooner or later it will be proposed that there be built a road to Alaska, and there is four times the reason for building a road to Alaska that there is for building one to Panama. Yet we are asked to start this program with a \$5,000,000 appropriation.

I continue to quote:

It is necessary that the proposed provision of legislation be inserted in the bill herein referred to if the United States is to cooperate with the several governments referred to.

Respectfully,

FRANKLIN D. ROOSEVELT.



In other words, here is the bold statement of the President himself that this is legislation. Yet the Senate, with a Democratic majority voting almost solidly, have reached the conclusion that it is not legislation. Either they are right, or the President is right. I do not know which is right.

Let us see what the Budget Director says:

BUREAU OF THE BUDGET,  
Washington, June 13, 1934.

SIR: I have the honor to submit for your consideration the following draft of a proposed provision of legislation for inclusion in the bill making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes, so as to make available the funds necessary to cooperate with the several governments, members of the Pan American Union, in connection with the survey and construction of a proposed inter-American highway:

Page 63, line 5, after the word "and", insert "to meet such expenses as the President in his discretion may deem necessary to enable the United States to cooperate with the several governments, members of the Pan American Union, in connection with the survey and construction of the proposed inter-American highway, and."

It is necessary that the foregoing provision of legislation be inserted in the bill herein referred to if the United States is to cooperate with the several governments referred to.

Very truly yours,

L. W. DOUGLAS, Director.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. DICKINSON. I yield.

Mr. GLASS. If I may venture to say so, it seems to me that the Senator is discussing a point of order which has already been decided and voted on by the Senate, and that he is in a measure trying to make a partisan issue out of a proposition which is not a partisan issue; and that if he will get off that vein there are some of us over here who would like to vote against this proposal who do not want to sit and listen to a court decision after the court has decided.

Mr. DICKINSON. Mr. President, I suggest to the Senator from Virginia that I think we ought to have the history of this matter of record here. That is why I wanted to put the Budget estimate in the RECORD.

Mr. GLASS. I suggest to the Senator that he cannot get anywhere in undertaking to make a partisan question out of a purely business proposition. He is undertaking to say that the President of the United States has said this is legislation, notwithstanding the fact that the Senate has voted that it is not legislation. What does that amount to? I would vastly rather take the opinion, for example, of the distinguished Senator from Missouri [Mr. CLARK] on a question of that kind than the opinion of the President of the United States and of the Director of the Budget combined. That question has been settled. Now, let us vote on the question whether we shall make this appropriation or not.

Let me suggest to the Senator, if I may, because I am very much older than he is, though I do not look it, that when he undertakes to make a partisan issue out of this he is about to lose his contention. He speaks of "you Democrats over there" voting for this thing. How does the Senator know we are going to vote for it?

Mr. DICKINSON. I am not contending the Senator will vote for it.

Mr. GLASS. I voted against it in the committee, and, if the Senator will just desist, I will have an opportunity to vote with him on the floor of the Senate.

Mr. DICKINSON. I wish to suggest that I do not believe this matter can be passed over without some comment on the merits of the question.

Mr. GLASS. I readily admit that.

Mr. DICKINSON. I do not know whether it is going to be the policy of the present administration to send up Budget estimates for which there is no authorization. Naturally, it may be their desire to direct the legislation. Whether this is considered partisan or not is immaterial to me; but I am concerned as to the policy and its effect on what we are going to do so far as appropriations in the future are concerned.

I have about concluded my statement, so far as the RECORD is concerned, on this particular item, except that I want to make one other suggestion. The subcommittee of the Committee on Appropriations struck out this provision, or refused to put it in as an amendment.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. DICKINSON. I yield.

Mr. HAYDEN. That action was taken because at the time when the matter was presented to the subcommittee there was no Budget estimate.

Mr. DICKINSON. That is a fine confession, and it is exactly what I wanted the Senator to say. Why? Because he immediately went down and got a Budget estimate, and it was sent up, so as to be brought before the full committee, and then the amendment was put in there solely for the reason that there was a Budget estimate for it; but there was not a solitary member of that committee who tried to satisfy himself with regard to the legality or the authorization for the appropriation. And, as a matter of fact, it has now been confessed here that there is no legislation which permits this appropriation.

Mr. HAYDEN. That was confessed from the beginning, Mr. President. No one at any time asserted that there was authority of law for this appropriation; but it would not be in order upon an appropriation bill unless there was a Budget estimate, and it would not be in order unless reported from a standing committee of the Senate. A Budget estimate having been received and the amendment having been reported from a standing committee of the Senate, it was in order, and the Chair ruled correctly and the Senate voted correctly in sustaining the Chair.

Mr. DICKINSON. It was put in as legislation when, according to the rules of the Senate, we are not presumed to put legislation on an appropriation bill. The rule that the Senator from Arizona [Mr. HAYDEN] suggests is the rule with reference to the increases of appropriations and additions to appropriations, but does not apply to legislation. The Appropriations Committee is not a legislative committee and is not presumed to legislate.

Let me now refer to the merits of this proposal. Why do we now want to spend \$5,000,000 for this purpose? The point was made by the Senator from Wyoming [Mr. CAREY] that we are going to spend \$5,000,000 with which to buy materials in this country to be sent down into the South American countries. Why should we be sending \$5,000,000 worth of material down there as a gift? They would probably rather have the money. I think there is no question but what they would rather have the money. I do not know who is going to administer this law so as to assure that we are going to have the material bought here rather than the money spent down there. I do not know what favoritism is going to be shown in the matter of the purchase or the sale of the material. In other words, it is entering into a program all along the line which in my judgment is ill-advised and which, in my judgment, will lead us into trouble in the future.

I am just wondering how the taxpayers of this country are going to view this proposal which puts the camel's nose under the tent, and which initiates a program under which they are to be told "We are going to spend your money not only for all the highways we can build in the United States"—and we do have an efficient system of highways in the United States, and we do have an efficient contribution from the public Treasury, thanks to the efficiency and the skill of the Senator from Arizona and the other Members of both Houses who have been interested in public highway improvement at public expense—"but we are going to go beyond the borders of our own country and are going to build some nice highways down in Mexico for the use of the people of other countries."

Of course some of us may be down there once in a while; there may be some friend down there who wants to come here to talk to the Secretary of State; there may be a representative of our Government who wants to go back and

forth from his post of duty down there; but mostly this road will be used by the people of the other countries.

Since when have we gotten so generous that we can take our taxpayers' money, with the amount in the Treasury running now below \$2,000,000,000 when about the 1st of January the balance in the Treasury was over \$5,000,000,000? What assurance have we that the tax funds are going to be of such amount that we can take this \$5,000,000 and give it to someone to play with in the construction of a highway down in Mexico? In my judgment, this amendment should be defeated.

Mr. NORRIS. Mr. President, I believed the provision was subject to a point of order. I voted against laying the appeal on the table. But that is water over the dam. The Senate has decided otherwise.

I can see how men might disagree very easily on that question. We have now reached the merits of the question.

I agree with the Senator from Virginia [Mr. GLASS] that there is absolutely no partisanship in it. There ought to be none. Some of the remarks of the Senator from Iowa [Mr. DICKINSON] make it embarrassing for one to oppose this amendment on its merits.

Mr. GLASS. Mr. President, with the Senator from Iowa making a partisan issue of it, a question of Republicanism or Democracy, it makes it very embarrassing for some of us on this side of the Chamber to vote on the merits of the question.

Mr. NORRIS. Well, either way, Mr. President, I am opposed to its merits at this time.

Mr. GORE. The Senator means its demerits.

Mr. NORRIS. No; I mean its merits, because I think it has some merit.

If we were under ordinary conditions at the present time and we were not faced with the emergency and necessity for scrutinizing every item of appropriation and cutting it to the bone, I would be glad to consider the advisability of our helping to build this road. I concede it would be nice to have it. Even then it would be a question as to whether we ought to pay money to build a road in another country, although we have dominions in a country to the south where the road would go, and there would be some reason why we should make some contribution to the building of the road.

But, Mr. President, the condition in which we find ourselves financially, it seems to me, ought to settle this question on its merits, at least for the present. Five million dollars spent at this time for the building of this road on the part of our Government, it seems to me, would be a donation or a contribution, if Senators want to put it that way, which is not justified under the present circumstances.

I find no fault with the officials of the Government who feel differently, or if it be the President, then the President, if he thinks it ought to be done now. I simply do not agree with those who believe that way. Believing as I do I want to vote against this particular amendment.

Mr. President, I have felt that the way the debate is going I could not well vote either way on it without explaining why I did so.

Mr. BYRNES. Mr. President, I desire to say only a few words. I am in entire accord with what has been said by the Senator from Virginia [Mr. GLASS] and the Senator from Nebraska [Mr. NORRIS] with reference to the statements made by the Senator from Iowa [Mr. DICKINSON] as to this amendment. This proposal does not permit of any partisanship. It originated in 1929, and the act was approved by President Coolidge. That act authorized this Government to cooperate with the members of the Pan American Union in this proposal, and it appropriated \$50,000 for a survey, and directed a report to the Congress as to the construction of this highway. Pursuant to that act of Congress representatives of this Government entered into conferences with the Governments of Central America.

The State Department in requesting this appropriation states that after consultation with the Central American Governments and only upon a showing that they have worked out a satisfactory plan for the construction of the

highway and are making appropriate efforts and expenditures on their own part to construct the highway, will there be cooperation by us, and that cooperation will not be in the nature of a cash advance or a loan, but, by agreement, will take the form only of a donation of material, of machinery and of structures to assist in the construction of the highway.

The portion of the road to be first undertaken is from Laredo, Tex., to Mexico. The State Department is of the opinion that just at this time it would be exceedingly unfortunate if, after this Government has entered into conferences on this subject and promised cooperation, it should fail to cooperate. The Department believes, on the other hand, that if, pursuant to our agreement with the other countries, we shall provide this fund we will be contributing highway materials which are manufactured in this country; American workmen will be helped, and that the foreign trade of the United States will be promoted by our cooperation in this matter. I hope that the amendment will be agreed to.

Mr. DICKINSON. Mr. President, will the Senator from South Carolina yield for a query?

Mr. BYRNES. I do not. I yield the floor.

Mr. DILL obtained the floor.

Mr. DICKINSON. Will the Senator from Washington yield?

Mr. DILL. I yield to the Senator from Iowa.

Mr. DICKINSON. I just want to suggest to the Senator from South Carolina that if we can make this appropriation in this form and under these conditions, there is no use in the Senator from Arizona [Mr. HAYDEN] securing authorizations for appropriation for public highways any more. All he need to do is, without any authorization, just to get a Budget estimate and have it sent up here and add it to the bill.

Mr. DILL. Mr. President, if the Government of the United States is going to embark upon the appropriation of money for the building of highways outside its territorial limits, if it is going to contribute toward the building of a highway into a foreign land or through a foreign country, I think we should consider the need of a highway to Alaska. If we shall appropriate for the building of a highway to Alaska we will be building a connecting link between two parts of this country, and, furthermore, we will be building through a country that has been a friendly neighbor for more than a century, a country that is composed of people like our own, who go back and forth across the border, as do our people.

If we are going to spend \$5,000,000 on a highway through Mexico and Latin America, I think it only proper that we spend an equal amount on a highway through Canada to reach our northern extremity, Alaska.

Mr. President, this subject has been discussed in the northwestern part of the United States at great length. There are many organizations in that section which have spent considerable money in making studies of it. We believe it is highly desirable. I have been the recipient of many appeals in favor of such a highway. The Canadians have agreed that the highway is necessary and have shown a spirit of willingness to cooperate. I have not pressed any such proposal in the Congress, for the reason that I did not know that those in charge of the Government were inclined to spend money to build a highway outside the borders of this country, but since that seems to be the desire and purpose of the officials of the Government, I think we ought to carry in this appropriation a provision for an equal amount of money looking to the survey and construction of a highway through Canada into Alaska.

For that reason, Mr. President, I want to offer an amendment to the particular pending amendment. I am compelled to offer it now, because if the pending amendment shall once be adopted I cannot offer an amendment to it.

Mr. ROBINSON of Indiana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. DILL. I yield.



Mr. ROBINSON of Indiana. Mr. President, I understand a survey has already been made for such a highway as the Senator suggests.

Mr. DILL. Yes.

Mr. ROBINSON of Indiana. And it has been decided definitely to be feasible; that it would facilitate travel back and forth between this country and Alaska and would be the means, probably, of colonizing that great Territory and increasing its population tremendously, which might be a method of relieving the unemployment situation in this country. Therefore, I am in entire accord with what the Senator has said.

Mr. DILL. Not only that, but it would have a military aspect of great value to this country.

Mr. ROBINSON of Indiana. That is true.

Mr. DILL. With conditions in the Far East as they are, if trouble should ever develop there, Alaska would probably be the point of attack from that part of the world; and a highway of this kind would be of invaluable benefit in time of trouble with a foreign foe in the Far East. I ask that the amendment may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 52, line 15, after the figure "\$5,000,000", it is proposed to insert:

and, under the same terms and conditions, to be expended in cooperation with the Government of the Dominion of Canada in connection with the survey and construction of the proposed Alaska highway from the United States to Alaska, \$5,000,000.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington to the amendment reported by the committee.

Mr. BORAH. Mr. President, as I understand, the effect of the two amendments would be to appropriate \$10,000,000. If the Senator from Washington should offer his amendment as a substitute for the amendment now pending, I would consider it rather favorably, but I cannot at this time vote for an appropriation of \$10,000,000 in order to build roads outside the territory of the United States. I should, however, be very glad to have an opportunity to vote separately on the proposal.

Mr. ADAMS. Mr. President, I feel compelled, as chairman of the subcommittee, to raise the point of order against this amendment that there is no authorization of any kind to support it. In doing so, I also invite the attention of the Senator from Washington to the fact that on page 93 of the bill there is contained an appropriation of \$1,500,000 for highways in Alaska.

Mr. DILL. The amendment offered by me does not provide for highways in Alaska but for a highway to Alaska.

Mr. ADAMS. I was merely pointing out that Alaska was not being entirely overlooked.

Mr. DILL. If the Senator will yield, he might as well call attention to the appropriation for highways in the States. When he calls attention to the appropriation to be spent in Alaska, it is a proposal to spend money in a Territory controlled by this Government; but the committee amendment provides for the spending of money in foreign lands and not in any country controlled by our own Government.

Mr. REYNOLDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. ADAMS. I was simply raising the point of order against the amendment that there were no authorization and no Budget estimate back of it.

Mr. REYNOLDS. Mr. President, I wish to say that I am entirely in accord with and expect to vote for the amendment which has been offered by the Senator from Washington [Mr. DILL], and I also have high hope of favorable action on the appropriation provided in this bill for the expenditure of \$5,000,000 for the purpose of carrying forward the program which has been outlined for the construction of a highway to the Central American countries through Mexico. I shall support that amendment. I trust sincerely that a \$5,000,000 appropriation will be made for the construction of a highway reaching southward to the Central

American countries through our sister Republic of Mexico, and that, in addition thereto, \$5,000,000 will be appropriated by the Congress for the construction of a roadway leading northward to Alaska.

We all know that good roads are the handmaidens of modern civilization. We all know that good roads have done more for this country than has any other single factor which can be recalled to the mind of any Member of this body. We all unquestionably recognize that America's phenomenal development has been attributable to the fact that we, above all countries in the world, have gone forward more rapidly in road construction than has any nation on earth; and we know that we could not have made this unusual progress had it not been that we have brought communities closer together.

I am not, however, for the amendment of the Senator from Washington for the reason he stated a moment ago—that the construction of the road therein provided for would place us in a position more effectively to defend ourselves if we should have trouble with countries of the Orient. Insofar as my judgment goes, I doubt if we shall ever have any serious difficulty with the countries of the Orient.

When I refer to "countries of the Orient," of course, I bear preeminently in mind Japan. Japan in conflict with this country would be like a feeble mouse in the claws of a cat. We are always talking about "trouble with Japan," while at this hour over in Russia there are about 700 airplanes and great military forces. Some day—probably it will not be far removed—there will be difficulty between Russia and Japan, and when that difficulty comes we will not need to give any more thought to Japan.

However, I am interested in building highways southward from the border, and in building highways northward from this country into Alaska, because I recognize that we should make as friendly as possible our relations with our neighbors on the south and our neighbors on the north.

Mr. LOGAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Kentucky?

Mr. REYNOLDS. I yield.

Mr. LOGAN. I should like to ask the Senator if he thinks human nature has changed in the last 2,000 years? Rome used to build roads through foreign countries, but she had to fight for the privilege of doing so. Does the Senator now think that foreign countries will invite us to build roads through their territory?

Mr. REYNOLDS. As a matter of fact foreign countries are now inviting us to build roads through their territory—for instance, our neighbors on the south. We have been extended a very generous invitation to construct modern highways through their territory.

In view of the fact that we have gone as far as we have, I think we should make now an appropriation of \$5,000,000 for the construction of highways to the south and of \$5,000,000 for the construction of highways to the north. Why? There is no money we could spend that would be so beneficial to us from the standpoint of diplomacy and the creation of friendship as these two items of \$5,000,000 each.

In addition it would be a benefit to the people of America for the reason that year after year our people have made expenditure of millions upon millions of dollars by way of visiting the countries of continental Europe. I for one am desirous of creating within the minds of the people of our land the idea, before venturing abroad beyond the seas to view the sights, historic, natural, and otherwise, that they should first see America and after they have seen America they should see the beautiful natural sights to the north and the historic beauties to the south.

I, therefore, hope that we may add to the greatest industry in the world. That industry is not the steel industry, not the railroad industry, not the beef or slaughterhouse industry, not the automobile industry. The greatest industry on earth is the tourist industry. This would add to the tourist industry of America as well as of our sister countries to the north and south, and would create for us a warmer bond of friendship.

The PRESIDING OFFICER. The Chair presumes to ask the Senator from Colorado [Mr. ADAMS] under what rule the able Senator is making the point of order?

Mr. ADAMS. Under paragraph 1 of rule XVI.

Mr. DILL. Mr. President, if the amendment had been offered by myself from the floor without the action of the Senate in making the pending committee amendment in order, I would concede that the point of order was well taken; but the Presiding Officer ruled, and the Senate sustained him, that no legislation was necessary to authorize the particular amendment to be in order. Having made it in order, it seems to me an amendment of the same kind and to the same effect, except changing the wording somewhat, is in order. The point of order of the Senator from Colorado does not lie for that reason.

The PRESIDING OFFICER. What has the able Senator from Colorado to say in reply to that statement?

Mr. ADAMS. Mr. President, the amendment of the Senator from Washington provides an entirely new item of appropriation. It is not authorized by law. It is not authorized by treaty. It does not come from a select or standing committee. It is not authorized by the Budget. It is not in any way brought within the provisions of paragraph 1 of rule XVI, which must be done in order to make it in order.

Mr. BONE. Mr. President, it may be that the amendment offered by my colleague [Mr. DILL] is subject to the point of order, but before the decision is made by the Chair I should like to offer, if I may, a little information to my brethren of the Senate about the subject matter of the amendment.

I feel that if we are to vote on the amendment at all, we should have some understanding of the nature of the proposal involved.

The road in question has already partly been built. It extends from Vancouver, British Columbia, along the west coast of British Columbia to southeastern Alaska, the Juneau and Skagway districts of Alaska. I believe 200 or 300 miles of the road is in good condition. The Canadian Government—that is to say, the British Columbian Government—has been actively seeking the cooperation of the State of Washington with a view of putting behind the proposal a great body of public opinion.

The road will go through what is one of the most beautiful scenic parts of the western world. Some Senators, I know, have visited western British Columbia, and I think they will agree with me that there is no place in America with more charming scenery.

Mr. McKELLAR. Mr. President, may I ask what is the distance from the northern boundary of the United States to the southern boundary of Alaska on the route over which the road would be built?

Mr. BONE. I can only answer the Senator from Tennessee from memory. It is my understanding that there is about 1,200 miles of the route to be built in British Columbia. My colleague will correct me if I am in error.

The road would run through Prince Rupert in British Columbia, which is one of the prominent Canadian seaports on what is known as the inner water passage to Alaska. When the road is completed it would connect continental United States with its greatest Territory. It would make possible the passage of automobile and truck traffic directly from the American border at Blaine, Wash., through to southeast Alaska. It is a tremendous undertaking, but the route has been surveyed in a preliminary way and part of the road has already been built. It would be really an artery of the United States rather than a purely Canadian road. I suggest this because the matter may come up later, and at this moment I think it well to have an understanding in the minds of the Senators as to what it really is, because it vitally affects our own national and economic interests.

When the road is built it will form a valuable connecting link between the United States and Alaska. Western British Columbia is sparsely settled. In fact, north of Prince Rupert the inhabitants are so scattered that it is almost like

the interior of Alaska, so the road would not have the same practical value to British Columbia as it would to the United States. It is simply a method by which traffic may be siphoned from the northern part of the United States into Alaska without the necessity of going by boat.

A number of Senators have visited Alaska by way of the inner-water passage and they know what it is. The road would follow in a general way the contours of the inner passage to Alaska. I feel that the money would be well spent, because when the road is completed, although on Canadian soil, it would literally and practically be an American road.

With respect to national defense, which has been adverted to by the Senator from North Carolina [Mr. REYNOLDS] and my colleague [Mr. DILL], that is a matter which Senators in their own judgment must determine. I think the road would be highly desirable from a military standpoint. But that is beside the real question involved. The arts of peace are much more impressive and important. I believe the money would be well spent if the Congress should determine that it is to be spent. It would cement our Canadian brethren to us in deeper and more enduring bonds of friendship.

The PRESIDING OFFICER. The Chair is ready to rule.

Mr. DICKINSON. Mr. President, before the Chair rules, I desire to say a word. There is a saying that if we open a hole for one cat to go through, two may go through. When we permit the construction of one project we open the way for the construction of similar projects. If we permit the construction of one barn on a public project, two barns may be built.

In the Senate itself a number of years ago, as the present occupant of the Chair will recall, there was presented an amendment providing an appropriation of some three or four million dollars for flood relief in New Hampshire and Vermont. It came to the floor of the Senate. The Senator from Kentucky [Mr. BARKLEY] offered an amendment for flood relief in Kentucky and Tennessee, and there was an addition of three or four million dollars on account of the projects being similar.

I invite the attention of the Chair that this is not an amendment to the appropriation bill. It is an amendment to an amendment already held in order by the Chair. Therefore, anything that is germane and that has to do with a similar project of a similar nature and of a similar kind is germane to the amendment. This is not an amendment to the appropriation bill. It is an amendment to the amendment which the Chair just previously held in order and which the Senate itself has held in order by voting to lay the appeal on the table. Therefore I contend that the rule cited by the Senator from Colorado [Mr. ADAMS] does not apply in this instance.

Mr. PITTMAN. Mr. President, I am in entire accord with everything that has been said by the Senator from Washington with regard to the advisability of building this road.

We have a large investment in Alaska, and we must keep up that investment. As we all know, the country has suffered until the present time from a lack of road transportation. The proposed road would run north or northwest along the entire coast of Alaska, probably, up to the Seward Canal. As has already been stated, it would open up in Alaska the grandest scenery in this country, in my opinion.

Tourist travel in Alaska is restricted today by reason of having to travel entirely by water. While the accommodations are very good, they do not constitute adequate transportation. If this road were completed through Alaska, it would undoubtedly mean that thousands of tourists every year would visit that country by automobile. They would leave money there. They would aid in the revenue. It would be a great thing. It would make a tremendous playground for the people of this country.

I simply state that in passing because I feel it my duty to urge that there is not a similarity between this amendment and the amendment to which it is offered. The former amendment was estimated for by the Budget; it was recommended by the Department of the Interior; it has been



passed on by a standing committee, and was offered by a committee. So, in my opinion, the former amendment was in order, and in my opinion the present amendment unfortunately is subject to a point of order.

The PRESIDING OFFICER. The Chair is prepared to rule, and is willing to accept the responsibility following the ruling; but under rule XX the Chair may submit a point of order to the Senate if any Senator requests that the point be submitted to the Senate.

No Senator requesting the submission of the point of order—

Mr. DICKINSON. In view of the fact that the Senate passed on the other point of order, I request that it pass on this point of order.

The PRESIDING OFFICER. The question is, Is the point of order made by the Senator from Colorado [Mr. ADAMS] tenable, and is it well taken? [Putting the question.] By the sound the "noes" appear to have it. [A pause.] The "noes" have it. The Senate decides that the point of order is not well taken.

Mr. ADAMS. I ask for a division.

Mr. CONNALLY. Mr. President, do I understand that the Chair ruled that the point of order was not well taken?

The PRESIDING OFFICER. The Chair submitted the point of order to the Senate. The Senate decided that the point of order was not well taken.

Mr. CONNALLY. With all respect to the Chair, I think the Senate voted under a misapprehension.

The PRESIDING OFFICER. Very well. In the absence of objection, the Chair will again put the question.

Mr. GLASS. I call for the yeas and nays on the point of order.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair will now endeavor to state the question.

The Senator from Washington proposes an amendment, which will be stated by the clerk.

The CHIEF CLERK. In line 15, page 52, after "\$5,000,000", it is proposed to insert:

And, under the same terms and conditions, to be expended in cooperation with the Government of the Dominion of Canada in connection with the survey and construction of the proposed Alaska highway from the United States to Alaska, \$5,000,000.

The PRESIDING OFFICER. The able Senator from Colorado [Mr. ADAMS] makes the point of order that under rule XVI this amendment has not been authorized by any existing law or treaty; that it has not been reported by any standing committee; that it is not estimated for.

Mr. FESS. Mr. President, this is an amendment to the amendment of \$5,000,000; is it not?

The PRESIDING OFFICER. It is.

Mr. FESS. While I am opposed to the amendment, it certainly is in order.

The PRESIDING OFFICER. The Senate has so decided, and the yeas and nays have been ordered.

Mr. CONNALLY. Mr. President, I suppose, then, anything could be put on as an amendment to an amendment, under the statement of the Senator.

Mr. DICKINSON. Anything that is germane.

Mr. CONNALLY. Anything at all. Those who desire to sustain the committee will vote "yea", and those opposed will vote "nay"; is that the idea?

The PRESIDING OFFICER. Yes.

Mr. DILL. Let us get that clear. Those who are opposed to the point of order being approved, those who want to overrule the point of order, will vote "nay"?

The PRESIDING OFFICER. Those who are of opinion that the point of order is well taken will vote "yea." Those who are of opinion that the point of order is not well taken will vote "nay."

Mr. BORAH. Mr. President, as I understand, the record now stands that the original amendment was held to be in order.

The PRESIDING OFFICER. It was.

Mr. BORAH. And this is an amendment to the original amendment which was held to be in order?

The PRESIDING OFFICER. The Senate held the amendment to the amendment to be in order, and the Chair made the announcement; whereupon Senators, exercising their right, asked for a roll call, and that question is now about to be decided by a roll call.

Mr. SMITH. And those who vote "yea" will vote that it is in order?

The PRESIDING OFFICER. Those who vote "yea" will vote to sustain the point of order, and thus reject the amendment.

Mr. SMITH. Very well.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. WALCOTT (when his name was called). I have a pair with the Senator from California [Mr. McAdoo]. Not knowing how he would vote if present, I refrain from voting.

The roll call was concluded.

Mr. ROBINSON of Arkansas. I transfer my pair with the Senator from Pennsylvania [Mr. REED] to the Senator from New York [Mr. COPELAND] and will vote. I vote "yea."

Mr. LONG. How is the junior Senator from Wisconsin [Mr. DUFFY] recorded? I desire to vote the opposite way.

The PRESIDING OFFICER. The Senator is recorded in the affirmative.

Mr. LONG. How am I recorded?

The PRESIDING OFFICER. In the negative.

Mr. LONG. That is right.

Mr. HEBERT (after having voted in the negative). I have a pair with the Senator from Illinois [Mr. LEWIS]. I find that he is out of the Chamber, and therefore I am forced to withdraw my vote. If at liberty to vote, I should vote "nay."

I desire to announce the general pair of the Senator from New Hampshire [Mr. KEYES] with the Senator from Indiana [Mr. VAN NUYS].

Mr. ROBINSON of Arkansas. I announce that the Senator from California [Mr. McAdoo] is detained from the Senate by illness, and that the Senator from Alabama [Mr. BANKHEAD], the Senator from New Hampshire [Mr. BROWN], the Senator from New York [Mr. COPELAND], the Senator from Illinois [Mr. LEWIS], the Senator from Indiana [Mr. VAN NUYS], and the Senator from Florida [Mr. TRAMMELL] are necessarily detained.

The result was announced—yeas 49, nays 34, as follows:

#### YEAS—49

Adams	Couzens	La Follette	Pope
Bachman	Cutting	Logan	Robinson, Ark.
Bailey	Dieterich	Lonergan	Russell
Barkley	Duffy	McGill	Sheppard
Black	Erickson	McKellar	Stephens
Borah	Fletcher	Metcalf	Thomas, Okla.
Bulkley	Gibson	Murphy	Thompson
Byrd	Glass	Neely	Tydings
Byrnes	Gore	Norris	Vandenberg
Clark	Harrison	Nye	Wagner
Connally	Hatch	O'Mahoney	
Coolidge	Hayden	Overton	
Costigan	King	Pittman	

#### NAYS—34

Austin	Dill	Kean	Smith
Barbour	Fess	Long	Stelwer
Bone	Frazier	McCarran	Thomas, Utah
Bulow	George	McNary	Townsend
Capper	Goldsborough	Patterson	Walsh
Caraway	Hale	Reynolds	Wheeler
Carey	Hastings	Robinson, Ind.	White
Davis	Hatfield	Schall	
Dickinson	Johnson	Shipstead	

#### NOT VOTING—13

Ashurst	Hebert	McAdoo	Trammell
Bankhead	Keyes	Norbeck	Van Nuys
Brown	Lewis	Reed	Walcott
Copeland			

So, the Senate decided the amendment of Mr. DILL to the amendment of the committee to be out of order.

Mr. BORAH. Mr. President, I desire to offer an amendment to the amendment, on page 52, line 15, to strike out the figure "5" and to insert in lieu thereof the figure "1", so that it will read "inter-American highway, \$1,000,000, to remain available until expended."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Idaho to

the committee amendment. [Putting the question.] The ayes appear to have it. The ayes have it, and the amendment to the amendment is agreed to.

The question now is on agreeing to the amendment as amended.

Mr. DICKINSON. Mr. President, I ask for the yeas and nays.

Mr. CONNALLY. Mr. President, I am very much interested in the adoption of the pending amendment. My State borders the greatest Latin American country which is interested in the proposed highway.

I may say to Senators, for their information, that about the 1st of next January, or perhaps prior to that time, a very fine highway will be completed from Laredo, Tex., to the City of Mexico. The Mexican Government is constructing that highway, and none of the money proposed to be appropriated under this amendment, as I understand it, will be expended for that purpose. I make this statement in order to assure Senators that the Federal Government is not going to be called upon to bear the expense of the proposed highway all the way to Central America.

With the opening of the Mexican highway to the city of Mexico, thousands and thousands of tourists will travel over that pathway to Central and South America, and I believe that this appropriation will give stimulus to the building up of fine, cordial relations, and commercial intercourse, with Latin America, and I hope the Senate will agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended. The Senator from Iowa demands the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. ROBINSON of Arkansas (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. REED] to the Senator from Florida [Mr. TRAMMELL], and vote "yea."

The roll call was concluded.

Mr. LEWIS. I desire to announce that the following Senators, the Senator from Alabama [Mr. BANKHEAD], the Senator from New York [Mr. COPELAND], the Senator from Utah [Mr. KING], the Senator from Florida [Mr. TRAMMELL], and the Senator from Indiana [Mr. VAN NUYS], are necessarily detained from the Senate.

I regret to announce that the Senator from California [Mr. McADOO] is detained from the Senate on account of illness.

Mr. HEBERT. I desire to announce the following general pairs:

The Senator from New Hampshire [Mr. KEYES] with the Senator from Indiana [Mr. VAN NUYS];

The Senator from Connecticut [Mr. WALCOTT] with the Senator from California [Mr. McADOO]; and

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from New York [Mr. COPELAND].

The result was announced—yeas 48, nays 38, as follows:

#### YEAS—48

Adams	Coolidge	Lewis	Pope
Ashurst	Costigan	Loneragan	Reynolds
Bachman	Cutting	Long	Robinson, Ark.
Bailey	Dieterich	McCarran	Sheppard
Barkley	Duffy	McGill	Smith
Bone	Erickson	McKellar	Steiwer
Brown	Fletcher	McNary	Thomas, Utah
Bulkley	Gibson	Neely	Thompson
Bulow	Harrison	Norbeck	Townsend
Byrnes	Hatch	Nye	Vandenberg
Caraway	Hayden	Overton	Wagner
Connally	La Follette	Pittman	Wheeler

#### NAYS—38

Austin	Dickinson	Hatfield	Robinson, Ind.
Barbour	Dill	Hebert	Russell
Black	Fess	Johnson	Schall
Borah	Frazier	Kean	Stephens
Byrd	George	Logan	Thomas, Okla.
Capper	Glass	Metcalf	Tydings
Carcy	Goldsbrough	Murphy	Walsh
Clark	Gore	Norris	White
Couzens	Hale	O'Mahoney	
Davis	Hastings	Patterson	

#### NOT VOTING—10

Bankhead	King	Shipstead	Van Nuys
Copeland	McAdoo	Trammell	Walcott
Keyes	Reed		

So, the amendment as amended was agreed to.

#### ESTABLISHMENT OF A NATIONAL ARCHIVES

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H.R. 8910) to establish a National Archives of the United States Government, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BARKLEY. I move that the Senate insist upon its amendment, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BARKLEY, Mr. McKELLAR, and Mr. FESS conferees on the part of the Senate.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who announced that the President had approved and signed the following acts:

On June 13, 1934:

S. 1994. An act for the relief of Estelle Johnson;

S. 2750. An act for the relief of Claude A. Brown and Ruth McCurry Brown, natural guardians of Mamie Ruth Brown;

S. 2898. An act conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of George A. Carden and Anderson T. Herd against the United States;

S. 3041. An act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes;

S. 3237. An act to repeal certain provisions of the act of March 4, 1933, and to reenact sections 4 and 5 of the act of March 2, 1929;

S. 3502. An act authorizing the Oregon-Washington Bridge board of trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.; and

S. 3615. An act authorizing the county of Wahkiakum, a legal political subdivision of the State of Washington, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River between Puget Island and the mainland, Cathlamet, State of Washington.

On June 14, 1934:

S. 870. An act for the relief of L. R. Smith;

S. 1126. An act for the relief of M. M. Twichel;

S. 1731. An act for the relief of Marion Von Bruning (nee Marion Hubbard Treat);

S. 2130. An act to authorize an appropriation for the purchase of land in Wyoming for use as rifle ranges for the Army of the United States;

S. 2918. An act for the relief of N. Lester Troast; and

S. 3521. An act to facilitate purchases of forest lands under the act approved March 1, 1911.

#### DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H.R. 9830) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes.

Mr. GORE obtained the floor.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. CLARK. I desire to give notice of motion to reconsider the votes by which the two committee amendments on page 16, lines 5 to 9 and lines 11 to 14, were adopted.

The PRESIDING OFFICER. The notice of motion to reconsider will be entered.



## POSTPONEMENT OF PROCESSING TAX IN CERTAIN CASES

Mr. GORE. Mr. President, I now desire to recur to the joint resolution, the point of order concerning which I was discussing. I ask to have Senate Joint Resolution 142 read, and I should like to have it appear in the Record at the point where it was presented this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be read.

The Chief Clerk read the joint resolution, as follows:

*Resolved, etc., That subsection (b) of section 19 of the Agricultural Adjustment Act, approved May 12, 1933 (title I, Pub. No. 10, 73d Cong.), is amended by adding the words at the end of said subsection, as follows: "And provided further, That the Secretary of the Treasury is further authorized to permit postponement, for an additional period of not exceeding 90 days, of the payment of taxes covered by any return under this title of processors of hogs whose average slaughter during the calendar year 1933 did not exceed 5,000 hogs per month."*

Mr. McNARY and Mr. BORAH rose.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield; and if so, to whom?

Mr. GORE. I yield to the Senator from Oregon.

Mr. McNARY. Mr. President, from a hasty reading of the joint resolution I conceive that the effort is made to exclude from the payment of the processing tax for certain periods those who slaughter hogs not in excess of 5,000 per month. I am trying to see if I analyze correctly the Senator's proposal, which, as I understand, is to delay collecting the processing tax from those packers who slaughter less than 5,000 hogs a month.

Mr. GORE. It does not remit the tax at all.

Mr. McNARY. I did not say "remit." I said delay the payment of the processing tax.

Mr. GORE. Yes; it does that.

Mr. McNARY. Under the act, when the hog is sold the purchaser must immediately pay into the Treasury of the United States the amount of the processing tax. This seems to be a plan to take that out of the A.A.A., with the exception of those slaughterers who slaughter less than 5,000 in a month. Am I correct in that statement?

Mr. GORE. Yes. Packing houses which slaughtered last year on the average of not more than 5,000 hogs per month are entitled to the extension provided in this joint resolution.

Mr. McNARY. What is the delay granted by the resolution?

Mr. GORE. The purpose is this—

Mr. ROBINSON of Arkansas. Mr. President, I shall have to suggest the regular order.

Mr. BORAH. Mr. President, I desire to offer an amendment to the resolution.

Mr. ROBINSON of Arkansas. I shall object to the consideration of the resolution.

Mr. BORAH. I am not asking for the consideration of the resolution. I am offering an amendment to the resolution, which I ask to have printed.

Without objection, the amendment was ordered to be printed, as follows:

Section 36 of the Emergency Farm Mortgage Act of 1933, as amended, is amended—

I. By striking the comma and the word "and" after the words "to reduce and refinance its outstanding indebtedness incurred in connection with any such project" in the second sentence thereof and inserting in place thereof the following: "; or, whether or not it has any such indebtedness, to purchase or otherwise acquire in connection with such project storage reservoirs or dams or sites therefor, or additional water rights, or canals, ditches or rights-of-way for the conduct of water, or other works or appurtenances necessary for the delivery of water, provided such purchase or acquisition is not intended to bring additional lands into production. Such loans \* \* \*

II. By adding at the beginning of (5) thereof, the following: "in the case of a loan to reduce or refinance its outstanding indebtedness."

III. By adding at the beginning of (C) thereof, the following: "in the case of a loan to reduce or refinance the outstanding indebtedness of an applicant."

Mr. McNARY. I only desire to occupy the floor another minute. I wish to ask the Senator from Oklahoma if this

bill has been referred to a standing committee of the Senate?

Mr. GORE. Mr. President, it has not.

Mr. McNARY. Has the report been made upon the proposal by the administrator of the Adjustment Act, the Secretary of Agriculture?

Mr. GORE. No written report has been made upon it, but I have information which is reliable that the Secretary of Agriculture favors it, the Treasury Department favors it, and it is left discretionary with the Secretary of the Treasury, upon a proper showing made, satisfactory to the Treasury Department, that this extension of 90 days and not more be given to packing concerns which slaughtered not more than 5,000 hogs per month last year.

Mr. McNARY. I understand that; but what security does the Government exact for the payment of this tax if delayed?

Mr. GORE. There is no express provision in the resolution upon that point, but I assume that the Secretary of the Treasury would undoubtedly require ample security.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield.

Mr. ROBINSON of Arkansas. Has the resolution been referred to a committee or to either the Department of Agriculture or the Treasury Department?

Mr. GORE. They have both been consulted about it. It has not been referred to a committee, because it only came to my attention yesterday.

I should like to say to the Senator before he interposes an objection that there are some 700 of these little concerns, these little packing houses, which have to pack and slaughter from day to day. The big concerns at the inception of the processing tax slaughtered on an extraordinary scale. The Senators know the processing tax began at 50 cents and then went to a dollar, and then \$1.50, and now it is \$2.25. The big packing concerns slaughtered and stored when the tax was low. The little concerns could not do that. They slaughter from day to day. They are now slaughtering and paying \$2.25 and marketing their products in competition with the big concerns which slaughtered when the tax was only 50 cents.

I am advised that this is a serious embarrassment, which may result in closing down a number of these small concerns, which provide local markets for farmers and provide some measure of competition with the larger establishments. They need this money for working capital. The joint resolution defers the collection for only 90 days, not more than that. It does that only upon an ample showing made to the Secretary of the Treasury, and is limited to those who slaughter not more than 5,000 hogs per month.

As I was saying a moment ago, there are some 700 of these small concerns. I will enumerate the approximate figures as to some of the States: South Dakota has 4; North Dakota, 6; Arkansas, 7; Minnesota, 9; Nebraska, 12; Iowa, 14; Oklahoma, 18; Kansas, 26; Texas, 30; Oregon, 15; Washington, 20; California, 65; Indiana, 30; Illinois, 50; Ohio and New York, 75; Pennsylvania, 80; and so on. It is of vital concern to all these small concerns.

Mr. McKELLAR. Mr. President, I have no doubt that it is of vital concern, but it seems to necessitate argument and a great deal of talk.

Mr. GORE. I have nothing more to say, if anyone objects.

Mr. McKELLAR. Unless we are going to dispose of it at once, I am going to object, because I think the deficiency appropriation bill ought to go forward.

Mr. GORE. The Senator is undoubtedly right about that.

Mr. ROBINSON of Arkansas. Mr. President, I do not think we should interrupt the consideration of the pending appropriation bill in order to take up a joint resolution which has not been considered by the committee, which has not been considered by any department, and which affects the processing tax. I should like to know a little more about it before we consider it.

The PRESIDING OFFICER. The regular order is called for. The clerk will state the next amendment reported by the Committee on Appropriations.

Mr. GORE. I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Oklahoma makes the point of no quorum. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Costigan	Hebert	Pope
Ashurst	Couzens	Johnson	Reynolds
Austin	Cutting	Kean	Robinson, Ark.
Bachman	Davis	King	Robinson, Ind.
Bailey	Dickinson	La Follette	Russell
Bankhead	Dieterich	Lewis	Schall
Barbour	Dill	Logan	Sheppard
Barkley	Duffy	Loneragan	Shipstead
Black	Erickson	Long	Smith
Bone	Fess	McCarran	Stetwer
Borah	Fletcher	McGill	Stephens
Brown	Frazier	McKellar	Thomas, Okla.
Bulkeley	George	McNary	Thomas, Utah
Bulow	Gibson	Metcalf	Thompson
Byrd	Glass	Murphy	Townsend
Byrnes	Goldsborough	Neely	Tydings
Capper	Gore	Norbeck	Vandenberg
Caraway	Hale	Norris	Wagner
Carey	Harrison	Nye	Walcott
Clark	Hastings	O'Mahoney	Walsh
Connally	Hatch	Overton	Wheeler
Coolidge	Hatfield	Patterson	White
Copeland	Hayden	Pittman	

The PRESIDING OFFICER. Ninety-one Senators have answered to their names. A quorum is present. The clerk will state the next amendment reported by the Committee on Appropriations.

#### DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H.R. 9330) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes.

The PRESIDING OFFICER. The next amendment reported by the committee will be stated.

The next amendment was, under the heading "Treasury Department", on page 53, after line 3, to insert:

#### DIVISION OF BOOKKEEPING AND WARRANTS

Contingent expenses, public moneys: The appropriations for contingent expenses, public moneys, for the fiscal years 1933 and 1934, shall be available in the amounts of \$635.87 and \$105.58, respectively, to enable reimbursement to the Federal Reserve Bank of Philadelphia, Pa., for the cost of shipments of cash by armored motor car from July 1, 1932, to August 31, 1933, under contract dated January 4, 1932.

The amendment was agreed to.

The next amendment was, on page 53, after line 12, to insert:

#### PUBLIC DEBT SERVICE

Distinctive paper for United States securities: For an additional amount for distinctive paper for United States securities during the fiscal year 1935, including the same objects specified under this head in the Treasury Department Appropriation Act, 1935, as amended by Public Resolution No. 23, Seventy-third Congress, approved May 7, 1934, \$69,220.

The amendment was agreed to.

The next amendment was, under the heading "War Department", on page 58, after line 7, to insert:

#### MILITARY ACTIVITIES

Rifle ranges, Fort Francis E. Warren: For the purchase of 1,600 acres of land adjacent to Fort Francis E. Warren in the State of Wyoming for use of the United States Army for rifle-range purposes in accordance with the provisions of an act entitled "An act to authorize an appropriation for the purchase of land in Wyoming for use as rifle ranges for the Army of the United States", approved June —, 1934, \$16,000.

The amendment was agreed to.

The next amendment was, under the heading "Judgments and authorized claims: damage claims", on page 59, line 11, after the word "in", to strike out "House Document No. 332" and insert "Senate Documents Nos. 201, 203, and 213, and House Documents Nos. 319 and 332"; in line 15, after the name "Civil Works Administration", to strike out "\$219.95" and insert "\$2,113.97"; after

line 15, to insert "National Advisory Committee for Aeronautics, \$81.85"; at the end of line 17, to strike out "\$189.55" and insert "\$673.17"; at the end of line 18, to strike out "\$1,492.73" and insert "\$2,381.42"; at the end of line 19, to strike out "\$595.10" and insert "\$1,066.85"; at the end of line 20, to strike out "\$1,390.50" and insert "\$2,025.64"; at the end of line 21, to strike out "\$657.55" and insert "\$720.05"; at the end of line 22, to strike out "\$163" and insert "\$207.30"; at the end of line 23, to strike out "\$4,112.30" and insert "\$4,390"; in line 25, to strike out "\$15,424.19" and insert "\$20,235.32"; on page 60, at the end of line 1, to strike out "\$3,609.13" and insert "\$3,714.91"; at the end of line 2, to strike out "\$7,004.27" and insert "\$15,209.32", and at the end of line 3, to strike out "\$34,863.27" and insert "\$52,819.80", so as to make the section read:

Sec. 2. For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent establishments under the provisions of the act entitled "An act to provide for a method for the settlement of claims arising against the Government of the United States in sums not exceeding \$1,000 in any one case", approved December 28, 1922 (U.S.C., title 31, secs. 215-217), as fully set forth in Senate Documents Nos. 201, 203, and 213, and House Documents Nos. 319 and 332, Seventy-third Congress, as follows:

Civil Works Administration, \$2,113.97;  
National Advisory Committee for Aeronautics, \$81.85;  
Veterans' Administration, \$673.17;  
Department of Agriculture, \$2,381.42;  
Department of Commerce, \$1,066.85;  
Department of the Interior, \$2,025.64;  
Department of Justice, \$720.05;  
Department of Labor, \$207.30;  
Navy Department, \$4,390;  
Post Office Department (out of postal revenues) \$20,235.32;  
Treasury Department, \$3,714.91;  
War Department, \$15,209.32;  
In all, \$52,819.80.

The amendment was agreed to.

The next amendment was, under the subhead "Judgments, United States courts", on page 60, line 12, after the word "in", to insert "Senate Document No. 198 and"; after line 16, to insert "Department of Labor, \$2,005"; after line 17, to insert "Department of State, \$1,920"; at the end of line 20, to strike out "\$16,122.79" and insert "\$23,868"; and in line 21, after the words "in all", to strike out "\$24,913.13" and insert "\$36,583.34", so as to read:

Sec. 3. For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1837, entitled "An act to provide for the bringing of suits against the Government of the United States" as amended by the Judicial Code, approved March 3, 1911 (U.S.C., title 28, sec. 41, par. 20; sec. 258; secs. 761-765), certified to the Seventy-third Congress in Senate Document No. 198 and House Document No. 324 (★ print), under the following departments and establishments, namely:

Department of Commerce, \$397.20.  
Department of the Interior, \$3,363.74.  
Department of Labor, \$2,005.  
Department of State, \$1,920.  
Treasury Department, \$5,029.40.  
War Department, \$23,868.

In all, \$36,583.34, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 percent from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, on page 61, line 7, after the word "in", to insert "Senate Document No. 198 and"; at the end of line 12, to strike out "\$3,766.27" and insert "\$6,275.77"; after line 12, to insert "War Department, \$2,635.93"; and in line 14, after the words "in all", to strike out "\$28,123.92" and insert "\$33,269.35", so as to read:

For the payment of judgments, including costs of suits, rendered against the Government of the United States by United States District Courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (U.S.C., title 46, secs. 781-783), certified to the Seventy-third Congress in Senate Document No. 198 and House Document No. 324 (★ print), under the following departments, namely:

Department of Commerce, \$21,000.  
Navy Department, \$3,357.65.



Treasury Department, \$6,275.77.  
War Department, \$2,635.93.

In all, \$33,269.35, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

The amendment was agreed to.

The next amendment was, on page 61, line 21, after the word "in" to insert "Senate Document No. 198 and"; at the end of line 26, to strike out "\$10,465", and insert "\$12,167.96"; and on page 62, line 1, after the words "in all", to strike out "\$99,905.40" and insert "\$101,608.36", so as to read:

For the payment of the judgments, including costs of suits, rendered against the Government by United States district courts in special cases and under the provisions of certain special acts and certified to the Seventy-third Congress in Senate Document No. 198 and House Document No. 324 (★ print), under the following departments, namely:

Department of Justice, \$45,000;  
Navy Department, \$44,440.40;  
War Department, \$12,167.96;

In all, \$101,608.36, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

The amendment was agreed to.

The next amendment was, under the subhead "Judgments, Court of Claims", on page 62, line 14, after the word "in" to insert "Senate Documents Nos. 196, 206, and 212 and"; after line 16, to insert "Architect of the Capitol, \$4,347.13"; after line 17, to insert "National Advisory Committee for Aeronautics, \$7,715.01"; at the end of line 23, to strike out "\$312,331" and insert "\$315,915.56"; at the end of line 24, to strike out "\$9,775.85" and insert "\$18,652.59"; at the end of line 25, to strike out "\$599,260.91" and insert "\$854,722.14"; on page 63, line 1, after the words "in all", to strike out "\$1,135,170.15" and insert "\$1,415,154.82"; and in line 3, after the word "judgments", to insert a comma and "including no. M-183 in favor of the Federal Real Estate & Storage Co. and Hugh J. Phillips, Senate Document No. 212", so as to read:

SEC. 4. For payment of the judgments rendered by the Court of Claims and reported to the Seventy-third Congress in Senate Documents Nos. 196, 206, and 212 and House Document No. 327, under the following departments and establishments, namely:

Architect of the Capitol, \$4,347.13;  
National Advisory Committee for Aeronautics, \$7,715.01;  
Railroad Administration, \$69,671.13;  
Department of the Interior, \$144,106.01;  
Department of Justice, \$25.25;  
Navy Department, \$315,915.56;  
Treasury Department, \$18,652.59;  
War Department, \$854,722.14;

In all, \$1,415,154.82, together with such additional sum as may be necessary to pay interest on certain of the judgments, including no. M-183 in favor of the Federal Real Estate & Storage Co. and Hugh J. Phillips, Senate Document No. 212, at the legal rate per annum as and where specified in such judgments.

The amendment was agreed to.

The next amendment was, under the subhead "Audited claims", on page 63, line 18, before the word "for", to insert "(a)", so as to read:

SEC. 5. (a) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1931 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U.S.C., title 5, sec. 266), as fully set forth in House Document No. 323, Seventy-third Congress, there is appropriated as follows:

The amendment was agreed to.

The next amendment was, on page 75, line 15, after the word "section", to strike out "4" and insert "5 (a)", so as to read:

Total, audited claims, section 5 (a), \$933,102.46, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 75, after line 19, to insert:

(b) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the bal-

ances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1931 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U.S.C., title 5, sec. 266), as fully set forth in Senate Document No. 197, Seventy-third Congress, there is appropriated as follows:

#### INDEPENDENT OFFICES

For operations under Mineral Act of October 5, 1918, \$77,714.26.  
For Interstate Commerce Commission, \$6.  
For medical and hospital services, Veterans' Bureau, \$140.28.  
For medical and hospital services, Bureau of War Risk Insurance, \$2.  
For military and naval compensation, Veterans' Administration, \$80.  
For salaries and expenses, Veterans' Bureau, \$163.28.  
For Army pensions, \$28.  
For investigation of pension cases, Bureau of Pensions, \$1.

#### DEPARTMENT OF AGRICULTURE

For eradication of sweetpotato weevil, \$1.50.  
For salaries and expenses, Bureau of Animal Industry, \$11.67.  
For salaries and expenses, Bureau of Plant Industry, \$77.50.  
For salaries and expenses, Bureau of Chemistry and Soils, \$7.51.  
For salaries and expenses, Food and Drug Administration, \$35.52.

#### DEPARTMENT OF COMMERCE

For contingent expenses, Department of Commerce, \$12.21.  
For air-navigation facilities, \$9,548.06.  
For general expenses, Lighthouse Service, \$1.50.  
For allowance for quarters, Foreign Commerce Service, \$75.  
For aircraft in commerce, \$254.86.  
For operating mine-rescue cars and stations, Bureau of Mines, \$15.61.

#### DISTRICT OF COLUMBIA

For street and road improvement and repair, District of Columbia, \$20.50, payable from the revenues of the District of Columbia.

#### DEPARTMENT OF THE INTERIOR

For general expenses, Office of Education, \$4.  
For Indian school support, \$5.47.  
For Indian school buildings, \$65.97.  
For support of Indians and administration of Indian property, \$49.75.  
For conservation of health among Indians, \$90.

#### DEPARTMENT OF JUSTICE

For miscellaneous expenses, United States courts, \$118.07.  
For salaries and expenses of district attorneys, United States courts, \$12.09.  
For salaries and expenses, Bureau of Prohibition, \$142.05.  
For salaries, fees, and expenses of marshals, United States courts, \$542.89.  
For detection and prosecution of crimes, \$1.75.  
For fees of jurors and witnesses, United States courts, \$95.  
For support of United States prisoners, \$94.  
For fees of witnesses, United States courts, \$9.50.  
For salaries and expenses of clerks, United States courts, \$387.64.

#### DEPARTMENT OF LABOR

For expenses of regulating immigration, \$19.35.

#### NAVY DEPARTMENT

For pay, miscellaneous, \$2.75.  
For gunnery and engineering exercises, Bureau of Navigation, \$5.  
For maintenance, Bureau of Supplies and Accounts, \$228.38.  
For engineering, Bureau of Engineering, \$4.30.  
For pay of the Navy, \$65.85.  
For pay, subsistence, and transportation, Navy, \$162.15.  
For aviation, Navy, \$74,778.56.  
For pay, Marine Corps, \$421.35.

#### DEPARTMENT OF STATE

For contingent expenses, foreign missions, \$40.23.

#### TREASURY DEPARTMENT

For contingent expenses, Treasury Department, freight, telegrams, and so forth, 76 cents.  
For collecting the revenue from customs, \$30.38.  
For collecting the internal revenue, \$67.25.  
For enforcement of Narcotic and National Prohibition Acts, internal revenue, \$744.65.  
For salaries and expenses, Bureau of Narcotics, \$2.40.  
For Coast Guard, \$84.45.  
For pay and allowances, Coast Guard, \$24.33.  
For repairs to Coast Guard vessels, \$14.80.  
For pay of personnel and maintenance of hospitals, Public Health Service, \$77.25.

#### WAR DEPARTMENT

For pay, and so forth, of the Army, \$8,885.61.  
For pay of the Army, \$588.78.  
For pay, and so forth, of the Army, War with Spain, 21 cents.  
For mileage to officers and contract surgeons, \$11.08.  
For mileage of the Army, \$13.25.  
For increase of compensation, military establishment, \$1,259.63.  
For increase of compensation, War Department, \$98.  
For Army transportation, \$443.38.

For clothing and equipage, \$38.34.  
 For general appropriations, Quartermaster Corps, \$10,107.  
 For horses for cavalry, artillery, engineers, and so forth, \$2.  
 For regular supplies of the Army, \$8.33.  
 For supplies, services, and transportation, Quartermaster Corps, \$20,547.49.  
 For replacing ordnance and ordnance stores, \$2.24.  
 For sites for military purposes, \$100.  
 For Air Corps, Army, \$505.  
 For Medical and Hospital Department, \$5.88.  
 For seacoast defenses, ordnance, \$26.03.  
 For armament of fortifications, \$1,217.70.  
 For arming, equipping, and training the National Guard, \$63.84.  
 For pay of National Guard for army drills, \$285.71.  
 For arms, uniforms, equipment, and so forth, for field service, National Guard, \$213.44.  
 For Reserve Officers' Training Corps, \$21.90.  
 For headstones for graves of soldiers, \$2.12.  
 For Vicksburg National Military Park, \$8.49.

#### POST OFFICE DEPARTMENT—POSTAL SERVICE

(Out of the postal revenues)

For clerks, first- and second-class post offices, \$549.35.  
 For freight, express, or motor transportation of equipment, etc., 4.48.  
 For indemnities, domestic mail, \$236.52.  
 For indemnities, international mail, \$71.23.  
 For labor-saving devices, 25 cents.  
 For post-office equipment and supplies, \$2.50.  
 For railroad transportation and mail messenger service, \$26.40.  
 For rent, light, and fuel, \$10.70.  
 For special-delivery fees, \$5.67.

Total, audited claims, section 5 (b), \$212,001.18, together with such additional sum due to increase in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

(c) For the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (U.S.C., title 31, sec. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1931 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884 (U.S.C., title 5, sec. 266), as fully set forth in Senate Document No. 205 (73d Cong.), there is appropriated as follows:

#### INDEPENDENT OFFICES

For operations under Mineral Act of October 5, 1918, \$7,294.62.  
 For medical and hospital services, Veterans' Bureau, \$12.50.

#### DEPARTMENT OF COMMERCE

For air-navigation facilities, \$300.

#### DEPARTMENT OF JUSTICE

For salaries and expenses, Bureau of Prohibition, \$11.33.

#### NAVY DEPARTMENT

For pay, subsistence, and transportation, Navy, \$2,380.75.  
 For pay of the Navy, \$3,162.07.  
 For transportation, Bureau of Navigation, \$11.96.  
 For general expenses, Marine Corps, \$67.85.

#### WAR DEPARTMENT

For pay, and so forth, of the Army, \$845.33.  
 For general appropriations, Quartermaster Corps, \$167.39.  
 For increase of compensation, Military Establishment, \$468.08.  
 For pay of Military Academy, \$10.  
 Total, audited claims, section 5 (c), \$15,231.88, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency as specified in certain of the settlements of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 84, line 7, after the word "in", to insert "Senate Documents Nos. 194 and 207 and", and at the end of line 9, after the name "Department of Labor", to strike out "\$17,853.30" and insert "\$24,319.25", so as to make the section read:

SEC. 7. Judgments against collectors of customs: For the payment of claims allowed by the General Accounting Office covering judgments rendered by United States District Courts against collectors of customs, where certificates of probable cause have been issued as provided for under section 939, Revised Statutes (U.S.C., title 28, sec. 842), and certified to the Seventy-third Congress in Senate Documents Nos. 194 and 207 and House Document No. 320, under the Department of Labor, \$24,319.25.

The amendment was agreed to.

The next amendment was, on page 84, line 16, after the word "in", to insert Senate Document No. 199 and", and in line 18, after the name "Department of the Interior", to strike out "\$7" and insert "\$137.13", so as to make the section read:

SEC. 8. Funds of deceased patients, St. Elizabeths Hospital: For the payment of the claim of the estate of John C. Lederer, deceased, allowed by the General Accounting Office under the pro-

visions of the act of June 30, 1906 (U.S.C., title 24, sec. 177), and certified to the Seventy-third Congress in Senate Document No. 199 and House Document No. 325, under the Department of the Interior, \$137.13.

The amendment was agreed to.

The next amendment was, on page 84, line 24, after the word "in", to insert "Senate Document No. 200 and"; on page 85, line 1, after the figures "\$351.93", to insert "under the Treasury Department, \$11,866.27,"; and in line 3, after the words "in all", to strike out "\$11,393.03" and insert "\$23,259.30", so as to make the section read:

SEC. 9. Interest withheld from claimants: For payment of interest on amounts withheld from claimants by the Comptroller General of the United States, act March 3, 1875, as amended by section 13 of the act of March 3, 1933 (47 Stat., 1516), as allowed by the General Accounting Office, and certified to the Seventy-third Congress in Senate Document No. 200 and House Document No. 326, under the Navy Department, \$351.93, under the Treasury Department, \$11,866.27, and under the War Department, \$11,041.10; in all, \$23,259.30.

The amendment was agreed to.

The next amendment was, on page 85, after line 3, to strike out:

SEC. 10. Whenever parking accommodation in any building or other structure owned by, or leased for the use of, the Government of the United States is regularly made available for any privately owned passenger automobile, the responsible authority under whose jurisdiction such space is controlled shall prescribe and collect a reasonable fee for such privilege from the person for whom such space is made available; any sums collected under the authority of this paragraph shall be deposited in the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, in title II, under the heading "Emergency appropriations" on page 85, line 14, to change the section number from "11" to "10."

The amendment was agreed to.

The next amendment was, on page 86, line 6, after the word "That", to insert "not exceeding \$400,000,000 in the aggregate of", so as to read:

For an additional amount for carrying out the purposes of the act entitled "An act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933 (48 Stat. 22); the Federal Emergency Relief Act of 1933, approved May 12, 1933 (48 Stat. 55); the Tennessee Valley Authority Act of 1933, approved May 18, 1933 (48 Stat. 58); and the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195); and including \$325,000 for an addition to the Executive Office Building and for the furnishings and equipment thereof; \$899,675,000, to be allocated by the President for further carrying out the purposes of the aforesaid acts and to remain available until June 30, 1935: *Provided*, That not to exceeding \$400,000,000 in the aggregate of any savings or unobligated balances in funds of the Reconstruction Finance Corporation may, in the discretion of the President, be transferred and applied to the purposes of the Federal Emergency Relief Act of 1933 and/or title II of the National Industrial Recovery Act, and any unobligated balances in appropriations (including allocations of appropriations) of the Federal Emergency Administration of Public Works may, in the discretion of the President, be transferred and applied to the purposes of such Federal Emergency Relief Act of 1933: *Provided further*, That the amounts to be made available under the authority of this paragraph for public works under the National Industrial Recovery Act shall not exceed in the aggregate \$500,000,000.

Mr. LA FOLLETTE and Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from California?

Mr. JOHNSON. I do not wish to interrupt the Senator, if he intends to discuss the particular pending amendment.

Mr. LA FOLLETTE. I rise, Mr. President, for the purpose of resisting the committee amendment.

Mr. JOHNSON. Very well. I wish to do the same thing.

Mr. BYRNES. Mr. President, will the Senator from Wisconsin yield to me for the purpose of offering an amendment with reference to this particular committee amendment?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. I yield.



Mr. BYRNES. Mr. President, I desire to amend the committee amendment on page 86, line 7, by inserting the figures "\$500,000,000" instead of the figures "\$400,000,000."

The PRESIDING OFFICER. Does the Senator from Wisconsin yield for that purpose?

Mr. LA FOLLETTE. I yield for that purpose; I have no objection to the amendment being disposed of, but I should like to be heard before the amendment, as amended, shall be disposed of.

Mr. BYRNES. I should like to make a statement with reference to the figures suggested and as to the amount which would be available. I think it might be of interest to the Senator from Wisconsin in the discussion of the amendment which he intends to offer.

Mr. President, I am not offering the amendment by direction of the committee. The committee view is expressed in the committee amendment as it appears in the bill. Since it was approved I have made investigation of the amount which would be available under the particular emergency relief section. I find that there will be available for public works and relief, under title II of the bill, a total of \$2,186,675,000. That is the total amount which will be available for relief and for public works.

Mr. LA FOLLETTE. Mr. President, can the Senator give us the break-down of the figure?

Mr. BYRNES. Yes. There is a direct appropriation, including \$285,000,000 for the C.C.C., amounting to \$899,675,000. There is a transfer authorized from the Reconstruction Finance Corporation, under the authority of the bill, of \$400,000,000. There is a provision for drought relief of \$450,000,000. There is authority to the Reconstruction Finance Corporation to purchase securities from the P.W.A., which would make possible an additional \$250,000,000.

Actually at this time the P.W.A. advised the committee that they have securities not in excess of \$150,000,000, but by the end of the year, in their opinion, it will be possible for the Reconstruction Finance Corporation to purchase \$250,000,000 of securities. The language is that the Reconstruction Finance Corporation is authorized to purchase marketable securities. There is no guaranty that the Reconstruction Finance Corporation will purchase that amount of securities, but it is possible under the language of the bill.

Then there is \$122,000,000 available for public highways, roads, and trails, and \$65,000,000 available for public building projects.

This makes a total of \$2,186,675,000, which represents the figure available for relief and for public works.

I have totaled the amount which would be available for public works. There is \$500,000,000 under the bill. Then there is the possible Reconstruction Finance Corporation purchase of \$250,000,000, the \$187,000,000 for roads, and the appropriation for the C.C.C. of \$285,000,000, making a total of \$1,222,000,000 available for public works as differentiated from relief.

The total amount available for relief and public works being \$2,186,000,000, if we deduct from that the total sum available for public works, \$1,222,000,000, plus the amount available for the drought-stricken area \$450,000,000, we find there would be available for general relief purposes the sum of \$514,675,000.

That amount is available for general relief purposes throughout the country. Under the language of the bill there is added to that the \$450,000,000 available for relief in stricken agricultural areas, so there is made available for these two items, general relief and relief for the drought-stricken areas or stricken agricultural areas, a total of \$964,675,000.

I find, after conference with the Director of the Budget, that there is a balance on hand at this time of \$220,000,000 available for relief. Then under the cattle appropriation which was authorized by the Congress within the last few weeks, \$50,000,000 was specifically allotted for relief. The grand total for relief, therefore, is \$1,234,675,000.

If the limitation remains in the bill at \$400,000,000 upon the amount of money which can be transferred from

the Reconstruction Finance Corporation, we would lack \$100,000,000, of providing the sum of money which would be essential to carry out the purpose of general relief if such relief is to be provided on the basis of 8 months, the period the committee had in mind.

In other words, the Federal relief bill at this time amounts to \$110,000,000 a month. If we are to make certain that while the Congress is not in session an amount will be available sufficient to care for general relief on the same basis on which it is now being provided, it would be necessary for us to provide \$880,000,000, and we would not provide that \$880,000,000 if the limitation be left at \$400,000,000. If it is raised to \$500,000,000 there would then be provided enough money to give to Federal-relief purposes, to the administrator, Mr. Hopkins, an amount which would enable him to continue expenditures at the rate of \$110,000,000 a month for the next 8 months. The committee thought it wise to make the provision on the basis of 8 months because while the Congress will convene in January, there may be delay in the passage of a deficiency bill if there is necessity to provide additional funds to care for relief at that time.

Mr. SHIPSTEAD, Mr. COUZENS, and Mr. COSTIGAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from South Carolina yield, and if so to whom?

Mr. BYRNES. I yield to the Senator from Minnesota, who rose first.

Mr. SHIPSTEAD. Mr. President, I have been wondering how the Senator arrived at the figure of \$450,000,000 for drought relief.

Mr. BYRNES. I did not expect to go into that just at this moment, but have no objection to doing so. The amount estimated was \$525,000,000, necessarily an estimate. At the time the estimate was filed there had been no relief in any section of the country. After that estimate was filed, as the Senator knows, we did have rains in a number of the States. Reports would indicate that in some cases the rains afforded no relief, but came too late. In other sections it was the opinion that the rain would afford relief.

But the committee had in mind that the estimate is based upon doing many things. A number of them are set out in the estimates submitted by the Director of the Budget. Some of them are plainly for relief. Others could certainly be called a part of the rehabilitation program.

For instance, there is \$125,000,000 for a special work program and human relief.

Then there is \$75,000,000 for livestock purchases, in addition to the funds already available under the Jones-Connally Act. That money has not yet been expended. It is seriously doubted by some who have given careful thought to the subject whether the amount available under the Jones-Connally Act, \$100,000,000, plus \$75,000,000 could be wisely expended in the next 6 months or in any reasonable time thereafter.

The third item is \$100,000,000 for shipping, processing, and relief distribution of purchased cattle. There is no way of estimating the amounts. Those who were charged with the duty of arriving at an estimate necessarily had to take round figures and approximate figures.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BYRNES. Let me finish the items.

There is \$100,000,000 for loans to farmers to finance emergency feed purchases and shipments.

There is \$50,000,000 for emergency acquisition of sub-marginal farms and assistance in relocating destitute farm families.

Then there is \$50,000,000 for work camps to afford employment in drought areas for young men transferred from cities and towns.

There is \$25,000,000 for purchase of seed for 1935 planting.

In endeavoring to provide ample funds for relief, the committee was of the opinion that it could be done with the appropriation of \$450,000,000, and that no injury would be

done to the program for the relief of those unfortunate sections.

Mr. LA FOLLETTE. Mr. President, will the Senator yield for a suggestion?

Mr. BYRNES. I now yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. These are two different items in the bill. The drought-relief appropriation comes later.

Mr. BYRNES. Entirely so. I did not want to go into it, but I was asked the question.

Mr. LA FOLLETTE. May I suggest to the Senator that I intend to offer an amendment to restore the Budget estimate, and that will raise that issue; but can we not in a more orderly way proceed to discuss the question of the first committee amendment, which limits the amount of unpreempted balances of the Reconstruction Finance Corporation, and thus try to separate the question of public works and unemployment relief from the drought situation?

Mr. BYRNES. I am in hearty accord with that suggestion; but I could not decline to answer the question of the Senator who had asked for that information.

Mr. COSTIGAN. Mr. President—

Mr. BYRNES. I yield to the Senator from Colorado.

Mr. COSTIGAN. Those of us who are interested in relief and in public-works appropriations are, of course, favorable to the increase in the restriction in lines 6 to 7, page 86, from \$400,000,000 to \$500,000,000. There are, however, many of us who believe that that restriction should be removed altogether, and that the bill should remain as it passed the House; also that the proviso in lines 17 to 20 on the same page in the House bill should be removed, in order that the President may have ample discretion with which to deal with unappropriated balances and savings of the Reconstruction Finance Corporation for these purposes.

Will the able Senator from South Carolina be good enough to indicate to us what, if any, objections he has to the adoption of that course? I realize, of course, that the proposed later amendment referred to is not in order at this time.

Mr. BYRNES. Mr. President, the committee gave most careful consideration to the question of whether or not a limitation should be placed upon the amount. In the House there was a discussion as to what amount was made available by this bill, and there was a difference of opinion. Seemingly, no two Members could agree upon the amount that was made available. The fact is that after conferences with the Reconstruction Finance Corporation representatives, and learning of the commitments made by that organization, the committee was of the opinion that there should be a limitation upon the amount that could be diverted from the Reconstruction Finance Corporation for carrying out the purposes of that organization in making loans to closed banks, and for other purposes, so that there would be no uncertainty. If a limitation were placed in the bill, we would know exactly the amount that was made available for relief purposes and for public works.

As to the public-works item, the committee was of the opinion that there should be a limitation of the amount for public works, because otherwise a larger amount might be transferred, and thereby lessen the amount that would be available for relief.

Having made so much of a direct appropriation, the rest of this money, \$500,000,000 of it, must come out of the Reconstruction Finance Corporation treasury, and must be diverted from that organization, and to that extent lessen the ability of the Reconstruction Finance Corporation to carry on its operations. Five hundred million dollars is a much larger sum than the chairman of the board of the Reconstruction Finance Corporation was willing to recommend. He thought \$250,000,000 was all that should be diverted from that organization—I think he finally said \$250,000,000 to \$300,000,000.

When we do this, we give authority to take as much as \$500,000,000 from that organization. It does not mean that it will be taken if the necessity shall not arise; but if the necessity shall arise, it will be taken.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. BYRNES. Yes.

Mr. JOHNSON. May I call the Senator's attention to the fact—because I agree with the Senator from Colorado—that the provision here is—

*Provided, That not exceeding \$400,000,000 in the aggregate—*

The Senator is now expecting to amend it, to make it \$500,000,000—

of any savings or unobligated balances in funds of the Reconstruction Finance Corporation may, in the discretion of the President, be transferred and applied—

And so forth. Mr. President, if we are to put the discretion in the hands of the President as to the application of funds which he may apply in certain directions, then that discretion ought to be left absolute, and we ought not to tie him with any limited amount. So it would be infinitely better, if the design is to permit the President in his discretion to allocate the funds that may be needed for relief, to eliminate entirely the portion that is in italics immediately after the word "*Provided*", and let the sentence read:

*Provided, That any savings or unobligated balances in funds of the Reconstruction Finance Corporation may, in the discretion of the President, be transferred and applied—*

And so forth. Why? What earthly logical reason can there be for saying that in the discretion of the President the funds may be allocated, and then limiting that discretion in the fashion that we have?

Permit me as well to say to the Senator from South Carolina that upon the computation that was made in the House, under the figures that were given by Chairman BUCHANAN, \$173,000,000 over the \$400,000,000 will be left floating in the air, as it were, wholly unallocated; but beyond that it seems to me that if we give to the President the discretion of allocation, we should permit him to have that discretion without limiting him in amount.

May I say that to me this is one of the most important parts of this bill, and one of the most important things that we are doing. There is nothing that can be done by this Congress in its closing hours that is of more importance or that can afford more happiness to our people than to give relief in almost unstinted amount as the President himself may determine during the absence of the Congress.

If the Senators agree with me in that regard, and if it be that the President should have the full authority during the absence of Congress and until January next, then we ought to leave not to his limited discretion, but, sir, to his discretion wholly, the right of allocation of the funds that may be allocated by him; and the latter part of this sentence, indeed, the last proviso—

That the amounts to be made available under the authority of this paragraph for public works under the National Industrial Recovery Act shall not exceed in the aggregate \$500,000,000—

Should be stricken out.

That, however, is another story. I will reach that after the committee amendments shall have been disposed of; but I desire to deal with both in order that the discretion of the President may be unhampered and that the amount he may have at his disposal shall be the fullest possible amount.

If we say in one instance that he may exercise his discretion up to \$500,000,000, there is not any reason on earth why we should not say that he may exercise his discretion up to \$573,000,000, the full sum which may be possible. His discretion is one that should be permitted him in behalf of recovery, in behalf of the relief of human misery, and in behalf of that which we seek most in this session of Congress, the welfare of the human beings of the country.

Mr. BYRNES. Mr. President, the committee considered carefully the viewpoint expressed by the Senator from California. We had to recall that the Reconstruction Finance Corporation is doing a most important work, and that if we should pass this bill without putting any limitation at all upon the amount of its funds that could be diverted we should leave the Reconstruction Finance Corporation in a position where it would be difficult for it to know what com-



mitments to make in carrying out operations and activities which are essential for recovery and for relief at this time. The Senate is familiar with what is being done by that organization.

I call to the attention of the Senator from California the fact that the committee had in mind what he has in mind, that the President of the United States should have ample funds for relief, and by the limitation of \$500,000,000, which is now proposed, the President will have, aside from the \$500,000,000 for public works plus \$250,000,000 to be derived from securities, for relief purposes alone, \$1,234,675,000.

Relief now being carried on is costing \$110,000,000 a month. We have based our figure on an 8-month period, but for the 6 months when the Congress will not be in session the President will have \$1,234,000,000, and instead of expending \$110,000,000 a month, he could, under this provision, spend \$205,000,000.

Therefore, if we provide all that anyone could reasonably, or even unreasonably, anticipate, and provide \$205,000,000, where we are spending but \$110,000,000, we certainly will provide enough for relief. But if a condition should arise which would make it necessary to spend even more than that, the President could divert funds from money he is now expected to expend for public works, that is, \$500,000,000, so that he would have even more than \$1,234,000,000 for the next 6 months.

The committee was of the opinion that we should not leave the Reconstruction Finance Corporation in the uncertain position of not knowing how much money it had left to carry on its activities. That was the only reason for the committee's action.

Mr. JOHNSON. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. JOHNSON. The Senator makes a very plausible argument with his statistics, and that is all right; but that is not what is attempted to be done by the bill. The proposal is not to allocate so much for public works, so much for the R.F.C., so much for one purpose and so much for another. In this particular paragraph the committee is leaving it substantially to the discretion of the President.

The President is as interested, I hope, in the R.F.C. as in the P.W.A. or in any other relief organization, and with the President's discretion specifically provided for, he of course will take appropriate care of the R.F.C. and of every other agency. So why endeavor to limit his discretion?

It ought not to rest with me to contend about limiting the President's discretion. That ought to be a part, indeed, of the attitude of the Senator from South Carolina and of all the Senators on the other side of the aisle. They do not need me to teach anyone over there that the discretion of the President should be unhampered in matters of relief, and the bill recognizes the principle that it is his to exercise the discretion, and I do not want it limited during the period of the absence of the Congress.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. COUZENS. I think the limitation is perfectly justified.

Mr. LA FOLLETTE. Mr. President, I yielded to the Senator from South Carolina to make a statement, and I object to his further yielding the floor to everybody else to make statements.

Mr. BYRNES. Mr. President, I yielded to the Senator from California for a question. His question was a little long, but that is why I yielded to him.

Mr. JOHNSON. I apologize to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I rise for the purpose of opposing the committee amendment. Senators talk very glibly about how much money is to be needed for relief, how much money is to be needed for drought relief, how much money is to be needed for public works, and how much money is to be needed under the Reconstruction Finance Corporation. The fact of the matter is that no man can successfully predict what the trend of economic events will be during the time between the adjournment of Congress and the

reassembling of a new Congress on the 1st day of next January. There are indications already evident that we are sliding into another slough; approaching another crisis within the crisis.

Personally, I do not believe that the amount provided, without the committee's restrictive limitation, is sufficient to provide an adequate program to meet the problem of unemployment, to meet the problem of stimulation of the great basic industries, which, even at this late hour in the depression, are still in the bottom of the trough. However, I think it the height of folly—and I say this with all due respect to the members of the Committee on Appropriations—to provide that the President could, in any emergency which might arise during the adjournment of the Congress, be limited to only \$500,000,000, which might be transferred from the unobligated balances of the Reconstruction Finance Corporation to the purposes of emergency employment, to the purposes of increased unemployment relief, or to the purposes of public-works construction.

As nearly as I can find out, there is approximately \$2,000,000,000 in unobligated authorizations for the Reconstruction Finance Corporation. The effect of the amendment of the committee, or even if it should be amended by the amendment offered by the Senator from South Carolina, would be to remove from the discretionary use of the President \$1,500,000,000.

Mr. President, unless Congress wants to be called back into extraordinary session in the middle of the coming campaign, they had better provide unlimited discretion, insofar as the use of these unexpended balances in the hands of the President are concerned. All of the indices which show the trend of economic events in this country indicate that we have already reached the peak of the spurt occasioned by extraordinary expenditures which took place during the last summer, fall, and winter. For the last four consecutive Sundays the indices of the New York Times have indicated that there is a recession in business activity in the consumer goods, the lighter industries. Every Senator knows that, so far as the great basic industries are concerned, the industries which produce the durable or capital goods, they have shown, with few exceptions, very little improvement during this period of so-called "recovery."

If the amendment proposed by the committee shall stay in the bill, then there will be available only the sums which are now estimated to be necessary for the purposes of unemployment relief and public works. So far as the public works are concerned, I expect to discuss that subject at greater length in connection with an amendment which I intend to offer to the bill, and in connection with the effort of the Senator from California to remove the limitation which now is contained in the bill providing that only \$500,000,000 may be used for the purposes of the Public Works Administration.

Mr. COSTIGAN. Mr. President—

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. LA FOLLETTE. I yield.

Mr. COSTIGAN. The highest estimate I have been able to obtain of the funds which will be available if we return to the figures of the House bill, and if we strike out the limitation in the bill as it passed the House in lines 17 to 20 on page 86, as well as the restriction in lines 6 and 7, containing the amendment of the committee, is that the President would have left to his discretion, not \$2,000,000,000, as the able Senator from Wisconsin [Mr. LA FOLLETTE] indicated, but about \$1,400,000,000, plus the daily receipts of the Reconstruction Finance Corporation.

I rose some time ago for the purpose of asking the Senator from South Carolina [Mr. BYRNES] what his estimate is of the total amount which would be available for discretionary allocation by the President of the United States if these two clauses should be stricken.

Mr. LA FOLLETTE. Mr. President, I have little confidence in the estimates of the amount of money which will be required for relief and for employment. In every in-

stance all during this depression every estimate which has been submitted to cover a 6-months period or the period of a year has proved to be inadequate. If we were dealing only with material things, perhaps the inadequacy of those estimates would not be so tragic; but in this instance, Mr. President, we are dealing with human beings; we are dealing with the safety, the welfare, and the health of men, women, and children. At the close of this session of Congress let us not make the mistake which we have made at the close of every session of Congress since December 1930.

In the closing hours of every Congress I have had to stand upon the floor of the Senate and appeal for more adequate funds in order to meet the problem of unemployment relief and the problem of employment. And each time, Mr. President, the funds have been pared down and restricted, and each time the impact of that error of judgment has been directed against the innocent victims of this depression.

Why is there suddenly a lack of indication of confidence that the President of the United States will exercise wisely and well discretionary power insofar as the relief of human beings is concerned? Why should this limitation be placed in this bill? Is there a Senator here who believes that the able Chairman of the Reconstruction Finance Corporation will not be able to make his needs known to the President of the United States. I have no fear, Mr. President, that its Chairman will not adequately protect the interests of that Corporation. I am certain that we can trust him as an able advocate and citizen to protect the interests of that Corporation. But let us not, in attempting to see into the future, so restrict discretion upon the part of the President that it may be necessary for him to meet inadequately the problems of human distress and human suffering which may arise after the Congress shall have adjourned.

I sincerely hope, Mr. President, that the amendment offered by the committee, even though it be amended by the amendment offered by the Senator from South Carolina, will be rejected.

Mr. COSTIGAN. Mr. President, will the Senator from South Carolina indicate what is his estimate of the precise amount which will be available for discretionary use by the President in the event the amendment under consideration shall be rejected, and the proviso in lines 17 to 20 on page 86 shall be subsequently stricken out? I need not say that my heart and mind, like the hearts and minds of other Senators, fully respond to and approve the eloquent appeals of the Senator from California [Mr. JOHNSON] and the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. BYRNES. Mr. President, the Senator asks two different questions. If the proviso in lines 17 to 20 should be stricken out, then there would be no limitation upon the amount of money which would be available for public works, and conceivably the funds for public works could be increased several hundred million dollars, and to the extent they were thus increased relief funds would be decreased. But the other question is an entirely different one. The limitation imposed by the committee report is \$400,000,000. My amendment proposes to add \$100,000,000. If that were stricken from the bill, and no limitation were provided, as I recall the figures—and there is some controversy about them, but there was available \$1,700,000,000, as I remember, in the R.F.C., including all its funds—the amount of \$1,700,000,000 would be available, plus direct appropriations, which amount to \$899,000,000 in one case, \$450,000,000 in another, and \$65,000,000 in another, or for the three in all something more than \$1,300,000,000. So there would be approximately three billion and a few hundred million dollars. Those would be the figures if this limitation were removed and the language simply referred to all the funds of the R.F.C. or gave the President the discretion to transfer so much as he desired from the R.F.C. for relief and from the P.W.A.

Mr. COSTIGAN. Mr. President, the figures given me this morning, apparently from an authentic source, indicate that the unobligated balances and savings which would be available to the President if the proviso to which the Senator from South Carolina has offered an amendment should be

stricken out would be approximately \$1,400,000,000 plus the daily receipts of the Reconstruction Finance Corporation. That is a substantially lower figure than the one used by the Senator from Wisconsin [Mr. LA FOLLETTE] or the Senator from South Carolina.

Mr. BYRNES. The Senator may be correct. My recollection was that it was \$1,725,000,000.

Mr. NORRIS. Mr. President, will the Senator yield to permit me to make an inquiry of him?

Mr. BYRNES. I yield.

Mr. NORRIS. This proviso will read, if the committee amendment shall be rejected, as follows:

*Provided, That any savings or unobligated balances in funds of the Reconstruction Finance Corporation—*

*And so forth. That proviso would then limit the President even to savings and unobligated balances.*

Mr. BYRNES. Yes. There is no question about that. The only question is—and I must say that my recollection is not very clear—as to the amount. It is in the testimony, and my recollection is that it would be \$1,700,000,000. The Senator from Colorado [Mr. COSTIGAN] says that his figures show \$1,400,000,000.

Mr. NORRIS. The President's discretion, then, in this particular language—if the committee amendment were rejected—would be limited to the savings and unobligated balances of the Reconstruction Finance Corporation, and it does not seem to me that that would in any way injure or hamper the Reconstruction Finance Corporation in the performance of its obligations.

Mr. BYRNES. I must say that the Chairman of the Reconstruction Finance Corporation gave to the committee the impression that it would certainly do so. His statement was that all he could safely recommend was \$250,000,000. There is nothing confidential about the matter. There was a vote on the question of the limitation of \$300,000,000, and then it was made \$400,000,000.

Mr. NORRIS. Yes, I understand; but I think Senators who are fearful about the limitation provided for in the committee amendment are not ordinarily opposed to the limitation of discretion. If Congress were going to be in session, certainly I would be advocating the rejection of the committee amendment, and I do not believe there would be any objection to it; but no one can tell, the uncertainty is so great. The Congress will not be in session, and if the President's hands should be tied—he must act in the place of Congress when we adjourn—so that he could not meet an emergency which many of us honestly fear is likely to occur it might result in great distress which could be relieved if the restrictions did not exist which would be brought about by the committee amendment.

Mr. BYRNES. Mr. President, in answer to the Senator from Nebraska, I want again to say—and I have not the right to speak for the committee; I am only a member of the subcommittee and am not its chairman—that the committee had no purpose or intention other than to provide every dollar they believed to be reasonably necessary.

Mr. NORRIS. I am not questioning the good faith of the committee; the committee may be right, and I think the amount that would be available in case the committee amendment should be agreed to would be sufficient, in all probability; but we are facing a very great emergency and a great uncertainty. The Congress will not be in session, so that if the contingency were to arise which might very well arise, with our lack of knowledge of what may happen during the recess of Congress, the President might even find it necessary to call Congress in special session. That could be entirely avoided if the committee amendment were rejected.

Mr. BYRNES. I may say to the Senator from Nebraska that Mr. Jones before the committee stated time and time again that if the R.F.C. were permitted to continue to operate they would have available under this language from \$250,000,000 to \$300,000,000, and I have his testimony in my hand at this moment; but, notwithstanding that, the committee fixed it at \$400,000,000, and I now seek to increase it to \$500,000,000.



I wish again to repeat the statement that, if my amendment shall be adopted, there will be available for relief purposes \$1,234,000,000. That includes drought relief. If the money shall be spent, as it will be spent, in the agricultural regions, it will mean that certainly there will be less demand for general relief purposes in those areas, because half a billion dollars will certainly go a long way toward relieving the conditions that exist.

Mr. Hopkins said he is spending \$110,000,000 a month, and, as Congress will return in 6 months, at that rate of expenditure the amount will be \$660,000,000. We make available \$1,234,000,000, or really twice as much as he is now spending. The opinion of the committee was that by making available \$600,000,000 more than he is now spending we would provide against emergencies that might arise between now and the time when Congress shall again be in session.

#### AMENDMENT OF BANKING AND FEDERAL RESERVE ACTS

Mr. BULKLEY. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside to permit the immediate consideration of the bill (S. 3748) to amend certain sections of the Banking Act of 1933 and the Federal Reserve Act, and for other purposes.

This bill is reported unanimously by the Committee on Banking and Currency. It consists of 18 sections, more or less unrelated to each other, each containing an amendment or a clarification of the banking laws; each of them has been recommended by the Comptroller of the Currency or by the Federal Reserve Board, or by both, and each one of them has the unanimous approval of the Committee on Banking and Currency.

It is important that the bill be enacted today, because it clarifies certain provisions of the Banking Act of 1933, which will go into effect tomorrow, 1 year after the approval of that act.

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the unfinished business be temporarily laid aside and that Senate bill 3748 be now considered. Is there objection?

Mr. NORRIS. Mr. President, I do not think I will object; I have no doubt whatever of the good faith of the Senator from Ohio; but I should like to call to the attention of the Senator from Ohio and of the Senate to the fact that if we agree to this request and keep on along this line for the next day and tomorrow we will learn to regret it afterward.

The Senator from Ohio asks for immediate consideration of a bill which has been reported, containing, as he says, 18 sections, each section amending some provision of existing law with relation to banking and currency. If we want to give the measure the consideration it ought to receive, I have no objection; but I wish to suggest that if we now lay aside the pending bill and take up the bill of the Senator from Ohio, and pass it within the next few minutes, as is undoubtedly expected, I think we are engaging in very dangerous business.

We do not have to adjourn tomorrow; we ought not to adjourn tomorrow. If we have some measure of this kind before us, important as this apparently is, although I have never heard the bill read and have never seen it, we ought to be willing to stay here so as to give it the proper consideration.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to say that this bill provides for administrative matters and mostly clarifying amendments to the Banking Act and the Federal Reserve Act, and I do not believe there are any serious problems involved in it.

Mr. BULKLEY. Mr. President, I think we can assure the Senator from Nebraska that there are no controversial matters in the bill.

Mr. NORRIS. We have just been through a day or two of debate, during which the proposed amendments to the Agricultural Adjustment Act were debated, although they were not material to the subject under discussion. However, a great controversy arose, involving the very question that

is presented here. Someone said the amendments to the Agricultural Adjustment Act were not controversial, that they were simply "clarifying"; someone else, who examined them afterward, said that they proposed very material changes in the law. I think likely there was an honest disagreement, but it led to a great deal of debate here, and such proposals ought at least to have very careful consideration.

Mr. McKELLAR. Mr. President, will the Senator yield?  
Mr. NORRIS. I yield.

Mr. McKELLAR. I agree entirely with the Senator from Nebraska, and I hope the Senator from Ohio will not make the request at this time. Let us proceed with the pending bill; we are making fairly good progress with it.

Mr. NORRIS. I think so.

Mr. McKELLAR. It probably is the most important bill which is before Congress at this time; we ought to go on with it; and I hope the Senator from Ohio will not ask that it be laid aside at this time.

Mr. BULKLEY. Mr. President, I merely wish to make a statement to the Senator from Tennessee. I have been unable to make this request during the last 2 or 3 days, because I have been confined at home by illness, and I regret making the request at this time; but this is a measure of considerable importance, and the bill should be passed today because of certain provisions that go into effect tomorrow, tomorrow being 1 year after the enactment of the Banking Act of 1933. If Senators want to discuss the bill, I recognize that we will have to let it go to a later time.

Mr. NORRIS. Has it not been possible to present this bill to the Senate before today? Why wait until the very last minute?

Mr. BULKLEY. I have explained to the Senator why I was unable to do it.

Mr. NORRIS. But the bill might have been presented by some other member of the Committee on Banking and Currency.

Mr. FLETCHER. Mr. President, the bill has been on the calendar, and I tried my best to get it up, but it was impossible to do it.

Mr. NORRIS. It all comes back to this: We are going to try to adjourn the Congress tomorrow, and everybody is crowding here with important matters of legislation. No one wants to be discourteous; no one wants to interfere with the general program; but I wish to protest that, if we are going to make an attempt to adjourn tomorrow, we must not take up matters of great importance such as this proposed legislation appears to be, according to those who are presenting it. It is not right to the country; it is not right to ourselves; and I do not know of any reason why we should try to do it. If we cannot adjourn tomorrow, there is another week coming, and we can go on then and do the business that is necessary to be done before we adjourn.

Mr. BULKLEY. The difficulty is that certain bankers feel that they are prohibited even from dealing in United States bonds commencing tomorrow unless we shall pass one of the provisions of this bill.

Mr. NORRIS. That is the first I ever heard of it.

Mr. BULKLEY. I appreciate that.

Mr. NORRIS. But we ought not to have to wait until the day before something is going to happen and then ask for a modification. That is one of the principal reasons why the Committee on the Judiciary spent 2 or 3 years, mostly because we were opposed at every step, in considering the anti-injunction bill.

A man who wants to get a restraining order against another man waits until just a few minutes before he is sure of what is going to happen, although he may have known about it for days. Then he goes into court and pleads, "If this injunction is not granted right now, I am going to be damaged." Perhaps he is telling the truth, and the court issues a restraining order. We are now much in the same position. We are told it must be done today, or else the bankers cannot deal in United States bonds. Well, if they cannot buy United States bonds today, and we shall

pass this bill next week, they will be able to buy them next week. I do not know any reason why we should try to do all that now, when we have before us a very important bill and are right in the midst of its consideration.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I yield.

Mr. BARKLEY. I wish to impress upon the Senator from Nebraska the fact that the Banking and Currency Committee during this session has been one of the busiest committees of the Senate. We had before us for consideration, among other things, the housing bill. We made a report on the banking bill just as soon as it was possible for the committee to consider it. It has been on the calendar 3 or 4 days. We had intended to have it taken up early in the week, but the Senator from Ohio [Mr. BULKLEY], who was chairman of the subcommittee which considered and was in charge of the bill, has been ill. It has not been our fault that the bill has not been brought forward sooner.

Mr. NORRIS. I am not blaming the chairman of the subcommittee. I acknowledge now that I believe the Banking and Currency Committee of the Senate has been one of the hardest worked committees of this session and the last session of any of the committees about which I know anything at all. I think the committee is to be commended and I do commend it for the work it has done. It has done many wonderful pieces of work.

Mr. COUZENS. Mr. President, I am informed there is going to be an amendment offered which will be controversial, with respect to the extension of the operation of private banks in accepting deposits after tomorrow. I object to the matter being taken up right in the middle of the consideration of an appropriation bill. Many of us are interested in the appropriation bill, and I think we should have the regular order. I demand the regular order.

SEVERAL SENATORS. Regular order!

Mr. CONNALLY. Mr. President, on the other side of the question just mentioned by the Senator from Michigan there are many private bankers who will go out of business tomorrow unless some relief is given them.

Mr. BULKLEY. Mr. President, let me say to the Senator from Michigan, as to the amendment which I think he has in mind, that it is entirely acceptable and is not a controversial amendment at all.

Mr. COUZENS. It may be acceptable to the Senator from Ohio, but it is not acceptable to the Senator from Michigan. I have a voice in the matter of legislation, notwithstanding the fact that the Democrats ride over us and write any kind of a damnable bill they choose. I am getting sick and tired of having to swallow everything the Democrats see fit to offer. The bill is entirely objectionable from my point of view in many of its provisions, notwithstanding its good intentions.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio?

Mr. NORRIS. Mr. President, I understood the Senator from Michigan [Mr. COUZENS] objected, and I join in his objection.

The PRESIDING OFFICER. Objection is heard.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed with an amendment the bill (S. 3231) to provide a retirement system for railroad employees, to provide unemployment relief, and for other purposes; that the House insisted upon its amendment to the bill, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LEA of California, Mr. CROSSER of Ohio, Mr. MILLIGAN, Mr. HOLMES, and Mr. REECE were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 9826. An act granting the consent of Congress to the State highway commission to construct, maintain, and operate a free highway bridge across Eleven Points River in the northwest half of section 31, township 25 north, range 3 west, 8 miles northeast of Alton, on route B in Oregon County, Mo.;

H.J.Res. 370. Joint resolution to protect the revenue by regulation of the traffic in containers of distilled spirits; and

H.J.Res. 373. Joint resolution to protect the revenue by requiring information concerning the disposition of substances used in the manufacture of distilled spirits.

The message further requested the Senate to return to the House of Representatives the message whereby the House concurred in the Senate amendments to the bill (H.R. 6462) to stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; to stabilize the livestock industry dependent upon the public range, and for other purposes.

The message also announced that the House had passed the bill (S. 3645) to conserve and develop Indian lands and resources, to establish a credit system for Indians, to provide for higher education for Indians, to extend toward Indians the right to form business and other organizations, and for other purposes, with amendments; that the House insisted upon its amendments to the bill, asked for a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HOWARD, Mr. KNUTE HILL, Mr. AYERS of Montana, Mr. GILCHRIST, and Mr. COLLINS of Mississippi were appointed managers on the part of the House at the conference.

#### DEVELOPMENT OF INDIAN LANDS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives insisting upon its amendments to the bill (S. 3645) to conserve and develop Indian lands and resources, to establish a credit system for Indians, to provide for higher education for Indians, to extend toward Indians the right to form business and other organizations, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WHEELER. I move that the Senate disagree to the amendments of the House of Representatives, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. WHEELER, Mr. THOMAS of Oklahoma, and Mr. FRAZIER conferees on the part of the Senate.

#### RAILROAD EMPLOYEES' RETIREMENT SYSTEM

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives insisting upon its amendment to the bill (S. 3231) to provide a retirement system for railroad employees, to provide unemployment relief, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DILL. I move that the Senate disagree to the amendment of the House, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WHEELER, Mr. WAGNER, Mr. BROWN, Mr. HASTINGS, and Mr. HATFIELD conferees on the part of the Senate.

#### REGULATION OF PUBLIC-GRAZING LANDS

Mr. O'MAHONEY. Mr. President, I understand that the House has just requested the Senate to return to the House the message whereby it concurred in the amendment of the Senate to House bill no. 6462—the grazing lands regulation bill. I ask unanimous consent that the Senate accede to the request of the House.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.



## HOUSE BILL REFERRED

The bill (H.R. 9826) granting the consent of Congress to the State highway commission to construct, maintain, and operate a free highway bridge across Eleven Points River in the northwest half of section 31, township 25 north, range 3 west, 8 miles northeast of Alton, on route B in Oregon County, Mo., was read twice by its title and referred to the Committee on Commerce.

## ADJUSTMENT OF INDUSTRIAL LABOR DISPUTES

Mr. ROBINSON of Arkansas. Mr. President, I ask permission out of order to introduce a joint resolution and to have it referred to the Committee on Education and Labor and to make a very brief statement with reference to it.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. ROBINSON of Arkansas introduced a joint resolution (S.J.Res. 143) to effectuate further the policy of the National Industrial Recovery Act.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. ROBINSON of Arkansas. Mr. President, the joint resolution which I have introduced, and which will be referred to the Committee on Education and Labor, is very brief. It contains only a few paragraphs and represents what to some of us is believed to be the minimum of legislation which is now required in connection with the settlement and adjustment of industrial labor disputes.

It is well known that the subject matter has received prolonged consideration by the Senate Committee on Education and Labor and that a bill relating to the subject is pending on the calendar. A great deal of very important legislation has been discussed and disposed of during the present session, but the subject matter of industrial labor disputes has not been taken up. There are threatened controversies which, it is thought, make necessary the existence of some machinery for the investigation of the controversies and to assist in their adjustment.

The joint resolution provides for the establishment of a board or boards by the President, authorized to investigate issues, facts, practices, or activities of employers or employees in controversies arising under section 7 (a) of the Industrial Recovery Act, or which are burdening or obstructing, or threatening to burden or obstruct, the free flow of interstate commerce.

Any board so authorized to be established is empowered, when it shall appear in the public interest, to order and conduct an election by a secret ballot of any of the employees of any employer, to determine by what person or persons or organization they desire to be represented in order to insure the right of employees to organize and to select their representatives for the purpose of collective bargaining.

The boards are given authority to require the production of pertinent documents, and under the draft as it is submitted, upon application of the board or upon petition of the person to whom an order is directed, in the enforcement of the order, an appeal may lie as in cases of orders issued by the Federal Trade Commission.

The board is authorized, with the approval of the President, to prescribe such rules and regulations as it deems necessary to carry out the provisions of the joint resolution and to assure freedom in respect to all elections. Penalties are attached for violation of the rules and regulations or for efforts to impede or interfere with the action of the board. The authority under the joint resolution expires June 16, 1935.

The hope is expressed by many Senators that it may be possible to have a report from the committee to whom the joint resolution is referred, and that sometime tomorrow, if the opportunity arises, it may be possible to take up for consideration the joint resolution.

I ask reference of the joint resolution to the Committee on Education and Labor and thank the Senate for affording me this opportunity of outlining the joint resolution.

Mr. McNARY. Mr. President, may I ask the Senator from Arkansas if the joint resolution has been introduced?

Mr. ROBINSON of Arkansas. Yes.

Mr. McNARY. Has it been read twice?

Mr. ROBINSON of Arkansas. I ask that it be read twice and referred to the Committee on Education and Labor.

The joint resolution (S.J.Res. 143) to effectuate further the policy of the National Industrial Recovery Act was read twice by its title and referred to the Committee on Education and Labor.

Mr. LA FOLLETTE. Mr. President, I desire to offer an amendment to the joint resolution in the nature of a substitute therefor, which I ask to have printed and lie on the table.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be printed and lie on the table.

Mr. WALSH. Mr. President, has the joint resolution been referred?

The PRESIDING OFFICER. The joint resolution has been referred to the Committee on Education and Labor.

Mr. McNARY. Mr. President, I desire only briefly to supplement the remarks made by the Senator from Arkansas.

A few days ago a proposal was placed in my hands by the Senator from Arkansas looking to a substitution for the so-called "Wagner bill." A conference of Republicans was called, including all members of the party and Senator SHIPSTEAD. The 36 Members of the Senate on this side of the aisle were requested to be present. We held a conference and studied thoroughly the proposal which was placed in my hands by the Senator from Arkansas. Some suggestions of modifications were made and considered and adopted. Those suggestions yesterday were placed in the hands of the Senator from Arkansas, who unquestionably consulted with the President. After further conference today, an agreement was reached by a great majority of the Members on this side to cooperate with the President, and to accept and support the proposal offered by the Senator from Arkansas.

I only hope that if the reference has not been made to the committee under the rule, after the joint resolution is read twice it may be considered without further reference. If the reference has been made, as probably it should be, I hope that almost immediate consideration may be given the joint resolution, so that we may consider it tomorrow, in the hope that we may adjourn the session tomorrow evening.

The PRESIDING OFFICER. The Chair will state to the Senator from Oregon what the Senator, of course, knows, that a request for unanimous consent for immediate consideration would be in order.

Mr. McNARY. I am not suggesting immediate consideration. I am familiar with the rule.

The PRESIDING OFFICER. The present occupant of the chair is sure the Senator is.

Mr. McNARY. In order to keep this matter from going over, I asked that the joint resolution be read twice. That gives it such a status that it can be brought before the Senate tomorrow or can be referred to the committee tomorrow.

Mr. ROBINSON of Arkansas. I understand that the request was granted that the joint resolution be read twice. It is my expectation that the committee will report it promptly.

Mr. WALSH. Mr. President, as I understand, the matter of referring this joint resolution to the committee is a formal one. The subject matter of the joint resolution has been under consideration and study by the Committee on Education and Labor for from 2 to 3 months. We have pending on the calendar a bill which the committee favors. I understand that it is felt that the provisions of this joint resolution—which, after all is said and done, are but one or two sections lifted out of the bill pending on the calendar—should now be considered as a substitute and as a temporary measure pending the convening of the next Congress.

I see no reason why there cannot be an immediate report, because, as I said, the committee have studied the matter and are familiar with it, and there is no reason why they cannot report at once to the Senate and have the Senate make a choice as to which measure it prefers.

Mr. ROBINSON of Arkansas. Mr. President, I wish to add to what has been said by the Senator from Massachu-

setts and also the Senator from Oregon, and to what I said a few moments ago, the further statement that the joint resolution is not intended to be permanent legislation on the subject.

Mr. WALSH. It is merely, as I understand, in the nature of an amendment to the National Recovery Act, which expires next June.

Mr. ROBINSON of Arkansas. The joint resolution is intended to obviate the necessity of the Congress' remaining in session for a prolonged or indefinite period to deal with a very important subject matter, namely, industrial labor disputes. It is recognized, I think, by all of us who present the joint resolution, as temporary and but a partial treatment of the subject.

Mr. WALSH. I simply desire to say in conclusion that the subject matter is not new to the committee, and there is no reason why a committee meeting cannot be held very shortly and a report made.

#### DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H.R. 9830) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. BYRNES] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. JOHNSON. Mr. President, I desire to recall to the Senate just exactly what is the point of departure in the consideration of this particular amendment. I do this for the benefit of those who have not been present during the discussion.

On page 86 of the bill, on line 6, is a committee amendment. The committee amendment is:

*Provided, That not exceeding \$400,000,000 in the aggregate—*

Then there is a reference to the subject matter of where that money shall come from; and this committee amendment has been further amended now by the committee by making the sum that shall be permissible for allocation \$500,000,000.

The remainder of the provision is:

*Provided, That not exceeding \$500,000,000 in the aggregate of any savings or unobligated balances in funds of the Reconstruction Finance Corporation may, in the discretion of the President, be transferred and applied to the purposes of the Federal Emergency Relief Act of 1933 and/or title II of the National Industrial Recovery Act—*

And so forth. It will be observed that the provision first limits the amount which the President may take, although it does not specifically say that a specific amount shall be taken by him. It is simply that under this amendment he may allocate any amount from \$1 up to \$500,000,000 of the savings or unobligated balances of the Reconstruction Finance Corporation. "He may do this", says the bill, "in his discretion."

All right. It is asserted by those who feel in the fashion that I do respecting this matter that if he is to have the discretion to determine whether he will allocate from \$1 to \$500,000,000 of the funds of the Reconstruction Finance Corporation that are savings or unobligated balances, he should have the discretion to determine just exactly how much, even if it exceeded \$500,000,000, he would allocate in the fashion that the bill determines. When first we accord him the discretion as to amount—because he is not obligated to allocate \$500,000,000; any sum within that particular sum he may allocate as he sees fit—and when, in addition to that, we say that he may take these funds from the unobligated balances of the Reconstruction Finance Corporation in his discretion, is it not far better that we eliminate entirely the question of amount that thus is inserted in the bill, and give him the discretion to do exactly as he sees fit?

I have upon my desk the proceedings that took place in the House. There the very able chairman of the particular committee having the bill in charge stated that the total

amount which might be allocated under this particular section was \$573,000,000. I take his figures because I am not familiar at all with the computations that have been made.

If we say to the President that he may take from \$1 to \$500,000,000 and that he may have discretion to fix the sum as he sees fit, what good reason exists for setting aside \$73,000,000 that are put to no purpose at all and to no particular policy at all?

It is not a question of the Reconstruction Finance Corporation; for the President will deal as justly with his creation, the Reconstruction Finance Corporation, and just as tenderly, as he will deal with any other appropriation of this Congress or that he himself may have been responsible for in the past two sessions. So why limit the discretion? And the point that is at issue here between the gentlemen who represent the committee and some of us who are interested is simply omitting the words italicized in lines 6 and 7:

*Provided, That not exceeding [such a sum] in the aggregate of—*

*And letting the sentence read:*

*Provided, That any savings or unobligated balances in funds of the Reconstruction Finance Corporation may, in the discretion of the President, be transferred and applied—*

And so forth. That is the difference. We want to leave the discretion with the President. They leave the discretion with the President, but say that it shall only apply up to a specific sum, and upon that comes the point of difference between us. I submit that on the logic of the situation—indeed, upon the facts which may confront us—it is essential that the President be left with his hands clear in the period that may exist between now and January next, that we shall not be, as the Senator from Wisconsin [Mr. LA FOLLETTE] so eloquently said, in the next 2 or 3 or 4 months, as the case may be, feeling conscience-stricken because we have not done all that might have been done for human relief in this distressful hour.

Mr. COSTIGAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Colorado?

Mr. JOHNSON. I yield.

Mr. COSTIGAN. Several Senators have already expressed, for sound reasons, their concurrence in the position taken by the Senator from California; and I hope he will request the yeas and nays on this question.

Mr. JOHNSON. That is my intention.

Mr. HALE. Mr. President, I think the Senator from California has misunderstood the statement made by the Chairman of the Committee on Appropriations on the part of the House.

As a matter of fact, the bill as it came over from the House provided for a direct appropriation of \$1,172,000,000 and for commitments amounting to \$1,746,000,000.

Those commitments, as the chairman of the committee in the House stated, had to be met, and those commitments were to be met by \$574,000,000, which was to be assigned from the unobligated balances of the Reconstruction Finance Corporation and funds to be realized by the purchase by the Reconstruction Finance Corporation of certain public-works securities. These together amounted to \$574,000,000. But, as far as the R.F.C. is concerned, as the Senator having the bill in charge has already stated, they have unobligated balances on hand which amount to about \$1,700,000,000, and these would all be affected if the limitation were taken off.

If the limitation of \$500,000,000 is made, ample funds are on hand to take care of any unemployment or to afford any immediate relief which may be found necessary during the summer. It does not seem to me that we should, without limitation, provide at the discretion of the President for the diversion of the entire working capital of the Reconstruction Finance Corporation.

Mr. COUZENS. Mr. President, I desire to say a few words in support of the committee amendment.

During the discussion of the conference report on the banking bill, whereby liberalization was granted to the Reconstruction Finance Corporation in making loans to closed banks, I raised the question of the undirected or uncoordinated use of R.F.C. funds. It was then stated by the Chair-



man of the Committee on Banking and Currency that they were quite satisfied that there were adequate funds in the Reconstruction Finance Corporation to take care of the liberalization needed in the release of frozen deposits. It has been quite generally estimated and conceded that it would take about a billion dollars of R.F.C. funds to release frozen deposits.

In the housing bill, which was reported yesterday and is now on the calendar, is a provision to which I wish to direct the Senate's attention. Section 4 provides that, for the purpose of carrying out the act—

The Reconstruction Finance Corporation shall make available to the Administrator such funds as he may deem necessary and the amounts of notes, debentures, bonds, and other obligations which the Corporation is authorized and empowered to have outstanding at any one time under existing law is hereby increased by an amount sufficient to provide such said funds.

No estimate is provided there, but in view of the fact that \$200,000,000 is appropriated for this Corporation to provide a 20-percent guaranty, or the Government's share of the guaranty provided by the bill, the total will be five times that, or another billion dollars, so that there would be a billion dollars to be called for under this measure, there would be a billion dollars under the bank releases, and certainly there will be a limitation on the money to be used for these other activities as provided in the bill. I hope the committee amendment will be agreed to.

Mr. ADAMS. Mr. President, I wish to concur very heartily in what the Senator from Michigan has said. It seems to me quite essential that we maintain the Reconstruction Finance Corporation at real strength. If we go through the various statutes which have been enacted, particularly those which have gone through the Committee on Banking and Currency, although I do not have them all in mind, I know it will be found that in almost every instance the source of the money has been the Reconstruction Finance Corporation. If the pending amendment should be agreed to, there would be a limitation on the Reconstruction Finance Corporation I fear, so that they could not perform their functions.

As was pointed out by the Senator from Michigan, we are asked to provide money for the housing program from the Reconstruction Finance Corporation, and the housing measure is just as important a relief measure as any other, a sounder one, in some ways, in the furnishing of adequate relief.

Mr. JOHNSON. Mr. President, will the Senator yield for a question?

Mr. ADAMS. Certainly.

Mr. JOHNSON. Does the Senator mean to imply that the President would cripple the R.F.C.?

Mr. ADAMS. I mean to say that I am not willing to put into his hands the power to cripple the agencies which the Congress has created for the fine purposes we had in mind. The President might make mistakes, just as occasionally Members of the Senate do.

Mr. JOHNSON. If the Senator is providing against possible mistakes, that might be a different proposition, but of course the President, in the exercise of his discretion, will sedulously protect the Reconstruction Finance Corporation, just as he will any other agency of the Government. Does not the Senator believe that?

Mr. ADAMS. I am not prepared to speak for what the President might do. I do not know how he might grade the various agencies of the Government. Under the pending amendment, as it would be if the Senator's suggestion were agreed to, he could take all the Reconstruction Finance Corporation money and put it over into the Public Works Administration, to build post offices, or something else.

Mr. JOHNSON. The Senator does not mean that, I am sure.

Mr. ADAMS. Oh, yes; I do.

Mr. JOHNSON. That the President might take all the money of the Reconstruction Finance Corporation and build useless buildings?

Mr. ADAMS. He could under this amendment. I do not mean that he would; and I do not regard post offices as useless.

The point I was trying to bring out was this: That we have the housing program, which is to be financed out of the Reconstruction Finance Corporation. We have the measure providing for taking the frozen assets out of the banks, for the relief of the people of the country, the money to come partly out of the Reconstruction Finance Corporation. We are endeavoring to provide loans to industries, to put men to work, to come out of the Reconstruction Finance Corporation. There is a multitude of those things.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. ADAMS. I yield.

Mr. McKELLAR. I merely desire to make a statement, and I think it will be verified by the Senator from Colorado.

When this matter came up in the committee there were various opinions. Some wanted no limitation at all; some wanted a limitation, first, of \$250,000,000; later on a limitation of not to exceed \$300,000,000 was asked for. I think that was the limitation proposed by the Senator from Maine. Finally, after going over all the matters, the committee agreed to make it \$400,000,000.

It seems to me that that would give a very wide discretion, and it is the result of a compromise, an adjustment, an agreement. I think, therefore, that it ought to be agreed to by the Senate.

Mr. ADAMS. It was not only the result of an agreement after conferences in the committee, but for several days the different agencies of the Government involved were engaged in long conferences in an endeavor to work out their problems, and they reached this solution and brought it to the committee in this form.

Mr. McKELLAR. That is entirely true. Not only were the various opinions of the members of the committee adjusted, but the opinions of the various departments concerned were adjusted, and it seems to me that in such a situation the amendment ought to be agreed to.

Mr. ADAMS. Mr. President, I am willing to give all the discretion in the world needed to the President; but on an 8-month basis we are providing \$150,000,000 a month for relief, and if we put it on a 6-month basis, until the time when Congress will be back, it will be \$200,000,000 a month, which would certainly be enough to take care of any necessity which might arise.

There are many programs, such as the refinancing of the irrigation districts in Colorado and in California, which are to be financed by the Reconstruction Finance Corporation. I am not willing to have those programs broken down for the purpose of providing unneeded relief agencies. I would rather see men employed, if it is possible to do so, under the Reconstruction Finance Corporation than to see them reached through the agencies of relief. It seems to me it would be a very serious mistake, as far as these agencies which Congress has created are concerned, if we abandoned all provision for discretion in the President. I think the Senator from California and I agreed only recently that there was such a thing as giving the President too much discretion. I know I differed from my neighbors over here on that very issue.

Mr. LONG obtained the floor.

Mr. COSTIGAN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COSTIGAN. Is not the first question before the Senate whether we shall increase the amount specified in line 7, page 86, from \$400,000,000 to \$500,000,000?

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina to the committee amendment was to increase the \$400,000,000 to \$500,000,000, and that was agreed to. The question now recurs on the committee amendment as amended.

#### THE SILVER QUESTION

Mr. LONG. Mr. President, I am sending to the desk the leading editorial in the New York Times of today, June 15, 1934, which deals with the silver question.

I very often make prophecies with regard to what will occur as the result of our action or nonaction here, and in most instances I hope to see my prophecies fail to prove true.

When I said on the floor of the Senate some days ago that the enactment of the silver bill I feared would not help silver but would tend to reduce its price, perhaps I was hoping that, for the good of the country, I would be proven to be a false prophet. But I am advised today that silver fell 40 points, and that on yesterday silver fell 40 points, and that since we passed the silver bill, which I undertook to amend, and which I prophesied would not be productive, mayhap, of good, but of harm, there has been a reduction in the price of silver of 80 points.

There is a gloating editorial in the New York Times which depicts the defeat of the silver bloc by reason of the failure to adopt an amendment which I offered. Apparently this exultation by those opposing the remonetization of silver is justified by the facts. I send this editorial to the desk and ask to have it read, not so much to prove that what I said was true, not so much that I deem myself as being vain enough to cite to the Senate how well I understood what was ahead, but in order that those of us who are interested in silver may have from that point of view an understanding of what we have done and what we will have to do in the future.

I ask unanimous consent that the editorial may be read.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. LONG] asks unanimous consent to have read from the desk an editorial. Is there objection? The Chair hears none.

The Chief Clerk read as follows:

[Editorial from the New York Times]

#### NO REMONETIZATION

Before the silver bill, with all its ambiguities, was passed by the Senate it voted down an amendment directly calling for the "free and unlimited coinage" of silver "as basic primary money of ultimate redemption." By this amendment the President would have been "authorized and directed to proceed" to fix the ratio of silver to gold in the dollar, provided that the said ratio should not be at any time "at more than 70 to 1 nor less than 16 to 1." This proposal was subjected to only a brief debate, and then was rejected by a vote of 59 to 18, with 19 Senators not voting. That ended, for the present, the attempt to make the silver bill clear where it is cloudy, and to set up that bimetallic standard of value which Senator GORE had just argued powerfully never really existed at any time and could not possibly be introduced now.

The surprising thing was not that this remonetizing amendment was pressed in the Senate but that it received so small a vote. One reason given for the President's final surrender to the plea that "something must be done for silver" was that the free-coinage sentiment was so powerful in Congress that it threatened to sweep all before it. It could be stopped, so it was argued, only by the President's giving a kind word and a smile to silver. But when the thing was put to the test in the Senate the free-silver strength was less than one-third of that opposing it. It may be said, of course, that the favorable vote would have been larger if Mr. Roosevelt had not made a concession meaning little or nothing. But the vote in the Senate strongly indicates that the claims of the silver men were much exaggerated, and that if they had been squarely met, without throwing to them a sop of any kind, they would have been soundly defeated. Saying no more about that, it remains reassuring that the proposal of remonetization of silver, pure and simple, went down under an overwhelming majority.

Mr. LONG. Mr. President, it will be noticed that the New York Times, which is an administration organ, says that what was passed was a bill meaning little or nothing. I am sorry that they are correct up to the present time. It means little less than nothing—60 points less than nothing on the present day's market.

I desire to say to my silver colleagues and to the balance of the Senators here, that when we come back in January I hope that events shall have proved that they are right and I am wrong. I hope that time will prove that everything which Senators hope for shall have come true and that everything that I feared would not happen shall have proved to be unfounded. But I am afraid, Mr. President, that my predictions are going to be accurate at this time as those heretofore have been, as much as I hope they will not be.

#### DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H.R. 9830) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and

emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes.

The PRESIDING OFFICER (Mr. MCGILL in the chair). The question is on the committee amendment as amended.

Mr. JOHNSON. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. LOGAN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. DAVIS], who is absent. I transfer that pair to the junior Senator from Florida [Mr. TRAMMELL], and will vote. I vote "yea."

Mr. WALCOTT (when his name was called). I have a pair with the junior Senator from California [Mr. McADOO]. I understand that if present he would vote as I intend to vote. Therefore, I am at liberty to vote, and vote "yea."

The roll call was concluded.

Mr. ROBINSON of Indiana. I have a general pair with the Senator from Mississippi [Mr. STEPHENS]. Not knowing how he would vote, I withhold my vote.

Mr. ROBINSON of Arkansas. I transfer my pair with the senior Senator from Pennsylvania [Mr. REED] to the senior Senator from New York [Mr. COPELAND], and will vote. I vote "yea."

Mr. HARRISON (after having voted in the affirmative). I have a general pair with the Senator from Oregon [Mr. McNARY], who is necessarily absent. I transfer that pair to the Senator from North Carolina [Mr. REYNOLDS], and allow my vote to stand.

Mr. LEWIS. I announce the absence of the Senator from California [Mr. McADOO], occasioned by illness. Also the absence of the Senator from Florida [Mr. TRAMMELL], the Senator from Indiana [Mr. VAN NUYS], the Senator from New York [Mr. COPELAND], the Senator from Virginia [Mr. GLASS], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. SMITH], and the Senator from Mississippi [Mr. STEPHENS], who are necessarily detained from the Senate.

Mr. HEBERT. I announce the general pair between the Senator from New Hampshire [Mr. KEYES] and the Senator from Indiana [Mr. VAN NUYS].

Mr. FESS (after having voted in the affirmative). I inquire if the senior Senator from Virginia [Mr. GLASS] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. FESS. I have a general pair with that Senator, but I understand that were he present he would vote as I have voted. Therefore I allow my vote to stand.

Mr. BULKLEY (after having voted in the affirmative). I am advised that the senior Senator from Wyoming [Mr. CAREY], with whom I have a general pair, is unavoidably absent from the Chamber. I transfer my pair with him to the senior Senator from South Carolina [Mr. SMITH], and allow my vote to stand.

The result was announced—yeas 57, nays 25, as follows:

#### YEAS—57

Adams	Clark	Harrison	Russell
Austin	Connally	Hastings	Schall
Bachman	Coolidge	Hatfield	Stelwer
Bailey	Couzens	Hayden	Thomas, Okla.
Bankhead	Dickinson	Hebert	Thomas, Utah
Barbour	Dieterich	Kean	Thompson
Barkley	Dill	King	Townsend
Borah	Duffy	Lewis	Tydings
Brown	Fess	Logan	Vandenberg
Bulkley	Fletcher	Loneragan	Walcott
Bulow	George	McKellar	Walsh
Byrd	Gibson	Metcalf	White
Byrnes	Goldsborough	O'Mahoney	
Capper	Gore	Patterson	
Caraway	Hale	Robinson, Ark.	

#### NAYS—25

Ashurst	Hatch	Neely	Sheppard
Black	Johnson	Norbeck	Shipstead
Bone	La Follette	Norris	Wagner
Costigan	Long	Nye	Wheeler
Cutting	McCarran	Overton	
Erickson	McGill	Pittman	
Frazier	Murphy	Pope	

#### NOT VOTING—14

Carey	Keyes	Reynolds	Trammell
Copeland	McAdoo	Robinson, Ind.	Van Nuys
Davis	McNary	Smith	
Glass	Reed	Stephens	



So the committee amendment, as amended, was agreed to.

Mr. LA FOLLETTE. Mr. President, I desire to offer an amendment to the next committee amendment which appears on page 86, line 24, where I move to strike out \$450,000,000 and insert \$525,000,000.

Mr. BYRNES. Mr. President, will the Senator yield to enable me to offer for the committee an amendment changing the language of that amendment, and he can then offer his amendment?

Mr. LA FOLLETTE. Very well; I yield for that purpose.

Mr. BYRNES. In behalf of the committee, I offer the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 86 it is proposed to strike out lines 22 to 24, inclusive, and in lieu thereof to insert the following:

To meet the emergency and necessity for relief in stricken agricultural areas, to be immediately available and to remain available until expended, \$450,000,000, to supplement the appropriations heretofore made for emergency purposes and in addition thereto for (1) making loans to farmers for, and/or (2) the purchase, sale, gift, or other disposition of, seed, feed, freight, summer fallowing and similar purposes; expenditures hereunder and the manner in which they shall be incurred, allowed, and paid shall be determined by the President without regard to the provisions of any other laws governing the expenditure of public funds.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. LA FOLLETTE. Mr. President, I move to amend the amendment offered by the Senator from South Carolina in behalf of the committee by striking out "\$450,000,000" and inserting in lieu thereof "\$525,000,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin to the amendment of the committee.

Mr. LA FOLLETTE. Mr. President, the Senate having by a large vote just indicated lack of confidence in the discretionary use of power by the President of the United States in this extraordinary emergency, it is with some lack of hope and enthusiasm that I endeavor to restore the amount provided for drought relief to the figures contained in the message of the President of the United States and in the estimate submitted by the Director of the Budget. The drought which is now affecting a great portion of the agricultural regions of the United States is unprecedented in character. It has left in its wake a trail of suffering and human misery. It has produced a crisis insofar as the animal population of that area is concerned. I visited certain portions of the State of Wisconsin recently and it is beyond my ability to describe the actual conditions which exist in those areas.

The Senator from South Carolina [Mr. BYRNES], in response to an inquiry by the senior Senator from Minnesota [Mr. SHIPSTEAD], indicated that certain recent rains in the drought area were the justification of the committee, in part at least, for reducing to the extent of \$75,000,000 the Budget estimate and the figure recommended by the President of the United States in his message. The fact of the matter is, Mr. President, that in many of the drought-stricken areas the recent rains have come too late to be of benefit.

That the rains in recent weeks or days in many instances have come too late is demonstrated by the fact that the Department of Agriculture is almost daily adding counties to the list of emergency and secondary areas. On June 12 the Department of Agriculture added, as secondary areas, counties in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oregon, Wisconsin, and Wyoming. On the 14th of June the Department issued a statement or press release indicating that emergency areas had been designated that day by the Department in Arizona, Colorado, Nevada, New Mexico, Utah, Wisconsin, and Wyoming. This is a clear indication that we cannot rely upon the recent rains as a justification for reducing the estimate made by the President of the United States in his message, as supplemented by the estimate of the Bureau of the Budget.

Mr. COSTIGAN. Mr. President, this is an extremely important discussion. I trust that we may have greater quiet on the floor.

Mr. LA FOLLETTE. Senators must bear in mind that so far as the drought area is concerned, there is a cumulative effect. I hold in my hand a map showing the pasture conditions in the United States. It is one of the criteria of rainfall and of the effect of the drought. The areas may be seen by looking at this map, which is of June 1, 1931. It will be seen that the primary area in pasture condition was somewhat limited in character. In 1932 it was not so severe, although it manifested itself in that year. In 1933 the area was again confined to somewhat the same territory as in 1932; but in June 1934 we find that this whole midcontinent region, and extending as far east as the State of New York and as far west as the State of Nevada, was involved.

I have here another map, Mr. President, showing the tame hay situation for the same years. It will be noticed that insofar as the drought condition in past years are concerned, the map shows the same cumulative effect of drought in the years 1931, 1932, and 1933 that is revealed so far as the pasture conditions are concerned, and, of course, in 1934 we find this wide-spread area affecting some of the most important agricultural regions in the United States.

Here is the condition so far as the oats crop is concerned, showing the same tendency of an accumulated effect of drought in 1931, again in 1932, again in 1933, and then culminating on top of those 3 years of deficient moisture we find the terrible calamity of this year spreading over this great agricultural region of the United States.

Mr. President, I submit that it is entirely illogical to say that because we have had recent rains we may well afford to ignore the estimates of the Bureau of the Budget and the President of the United States, based upon all the information which they have been able to gather through the agency of the Agricultural Administration, the Emergency Relief Administration, and other agencies of the Government that have been mobilized and are concentrating upon this situation.

Here is my own State, one of the greatest agricultural States, one of the leading dairy States of the Union. I ask Senators to contemplate the character of the calamity that has descended upon the people of that State. The counties in red on this map are the counties which are in the so-called "emergency area." There are 17 of them. Some of them—most of them, in fact—are in the heart of one of the finest dairying sections of the world. Many of them, as will be seen, are located along the Mississippi River. In normal times they are well watered, containing many bottom lands.

The counties in black are the so-called "secondary" counties; and I may say that the distinction between emergency counties and secondary counties has only one significance. The emergency counties are counties in which the purchase of cattle is being undertaken by the Department of Agriculture; but, so far as the drought conditions are concerned, there is relatively little difference in the effect upon the farmers in the counties which are in the secondary area and those which are today in the primary area.

Mr. COSTIGAN. Mr. President—

Mr. LA FOLLETTE. I yield to the Senator from Colorado.

Mr. COSTIGAN. Approximately what proportion of the State of Wisconsin is affected by drought conditions?

Mr. LA FOLLETTE. There are 42 counties now designated as being in either the primary or the secondary area. There are in all 70 counties in the State of Wisconsin. But, Mr. President, every day I am receiving telegrams and letters, not only from the farmers themselves but from the county agents, from teachers in the agricultural extension work, pleading that the counties which are now in the secondary area be included in the emergency area; and, in my opinion, with all due respect to the committee which considered this matter, it is gambling with the welfare and the fate not only of farmers in the State of Wisconsin but of

farmers in all other States that have been afflicted by this situation if we are simply to assume that because, perchance, there has been a little rainfall, we can lop off from this appropriation \$75,000,000.

In the past few days, Mr. President, I have had hanging upon the walls of the Senate pictures taken in some of the best dairy counties in the State of Wisconsin, showing the actual conditions that exist in those regions. Believing that those pictures could tell a more adequate story than I was capable of telling, I had hoped that they would impress upon Senators the dire distress of the farmers in my own State.

Mr. President, there is no constitutional question, there is no other question, involved here. When it came to a fight to provide funds for the relief of the unemployed in part from appropriations by the Federal Government, we met the constant resistance of those who contended that it was no function of the Federal Government to come to the relief of men and women who were out of work; but on all sides it was admitted that it had been the traditional policy of the Government of the United States since it was organized to come to the relief of its citizens who were suffering from the class of calamities which are commonly called acts of God.

The first such appropriation which I now recall was late in the late eighteenth century, when an appropriation was made by Congress to relieve the citizens of Alexandria, Va., who had been the victims of a fire. Since that time, in case after case, extending down through all the history of the Republic, in every instance where a calamity of a natural kind has been visited upon sections of the United States or upon communities of the United States, the Federal Government, be it said to its credit, has, without exception, come to the relief of its stricken citizens.

I stood shoulder to shoulder with other Senators upon this floor in 1930 and fought to the best of my ability to secure adequate appropriations to take care of the situation which confronted the farmers of the Southwest when a terrible drought afflicted the people of that region.

Mr. President, what is the break-down which the President gives in his message of the sum of \$525,000,000 which he recommends to meet this extraordinary emergency? It is as follows:

1. \$125,000,000 for special work program and human relief.
2. \$75,000,000 for livestock purchase in addition to the funds already available under the Jones-Connally Act.
3. \$100,000,000 for shipping, processing, and relief distribution of purchased cattle.
4. \$100,000,000 for loans to farmers to finance emergency feed purchases and shipments.
5. \$50,000,000 for emergency acquisition of submarginal farms and assistance in relocating destitute farm families.
6. \$50,000,000 for work camps to afford employment in the drought area for young men principally from cities and towns.
7. \$25,000,000 for purchase of seed for 1935 plantings, and for loans to get seeds into farmers' hands.

I submit that it is not humanly possible for any man or any group of men to estimate what sum of money will be needed to meet the barest, urgent necessities of this calamity in the vast region of our country which is afflicted.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. MCGILL in the chair). Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. The action of the committee was taken very largely on this state of facts: We accepted absolutely the recommendations of Mr. Hopkins as to drought relief. The reason for cutting out the \$75,000,000 was that, according to the testimony of Mr. Hopkins, that sum was to be devoted to two proposals. One was to buy marginal lands, and \$25,000,000 more was to be for the purpose of buying seed for 1935. The committee thought that those two items might well be left out. That was my understanding, and I think it was the understanding of the other members of the committee.

Mr. LA FOLLETTE. Mr. President, I may say that that statement has already been made. I am not in favor of

earmarking this money. I cannot say that \$125,000,000 will be needed for this purpose, and \$75,000,000 for that purpose. Events and conditions are changing too rapidly for any man or any group of men, as I said a moment ago, to sit down and decide, first of all, how much money is needed for any particular purpose, and, secondly, how much money is needed in a total amount to meet the situation.

Mr. McKELLAR. Mr. President—

Mr. LA FOLLETTE. Just a moment, if the Senator will permit me.

The President, in his message to the Budget Director, submitted a tentative break-down, but in the conference which the President held at the White House—and I am sure I am not breaching any of the proprieties—he made it perfectly clear to a large number of Senators and Representatives who were gathered there that it was impossible for him, armed as he was at the time with the latest telegraphic information from all of this vast territory, to tell exactly how much money was going to be needed for any particular purpose. He admitted frankly that these were simply the best estimates that could be made at the time.

I say that no Senator and no group of Senators and no committee can sit down and say just exactly how much money is to be needed for any particular purpose. It may be the sum which has been fixed in the President's message will prove to be totally inadequate. On the other hand, if there shall be a very fortunate turn in circumstances, if the rainfall shall be unusually bountiful in the months to come, it may be discovered that the sum of money provided will be more than is needed. Here, at least, is one place where I urge upon the Senate that it leave it to the discretion of the President to decide whether or not these sums shall be spent, and how they shall be spent. I feel certain that the President of the United States is just as anxious as is the Committee on Appropriations, or any member of it, to expend as little money as possible, and, at the same time, do a decent job of American relief, in the face of one of the worst disasters this country has ever experienced.

The Senator picks out two items in the tentative break-down.

Mr. McKELLAR. Mr. President, the Senator misunderstood me, evidently. What the committee did was to recommend the appropriation of \$450,000,000, to be used by the President for any purpose for which he saw fit to use it in dealing with this drought situation. There is no breakdown about it, there is no division about it, but the reason why the figure \$450,000,000 instead of \$475,000,000 was accepted, was that Mr. Hopkins testified before the committee that \$75,000,000 was to be devoted to permanent improvement, rather than to relief.

Mr. LA FOLLETTE. What I started to say, before the Senator interrupted me, was that out of this total figure he picks two items in the tentative break-down of the President, and because, forsooth, they strike him, as a member of the committee, as being something more or less permanent in nature, he advocates their elimination.

I say that no man can tell how much money is to be needed to do the work that has to be done in the areas which have been afflicted by the drought, and I say that there is no justification in taking two items of a tentative break-down, and, upon the basis of their being, in the minds of the Senator from Tennessee and other members of the committee of a more permanent nature, eliminating them from the total amount available to meet the situation.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to my colleague.

Mr. DUFFY. On last Friday and Saturday I covered in an airplane a considerable portion of the State of Wisconsin marked in red on the map on the wall, and the conditions are every bit as bad as the senior Senator from Wisconsin has described them, and I might say even worse.

It seems to me that, in spite of the fact that there were some rains last week-end, the situation is so critical and the damage already done is so great that we had better err on the side of letting the President have a little more leeway



and discretion, than arbitrarily to cut off \$75,000,000 from the amount he determined upon, after getting the very best advice he could obtain from the various governmental agencies.

I certainly agree with my colleague that the amendment he proposes should be agreed to, in accordance with the President's request and suggestion.

Mr. LA FOLLETTE. Mr. President, the President makes it perfectly clear in his message. He says, "These proposals and the funds required as estimated at this time are", and then gives the tentative break-down.

Mr. President, so far as those two items which the Senator from Tennessee has singled out are concerned, in the first place it may be the best part of prudence for the Federal Government to purchase right now the seed which will be needed, if it is needed at all, for distribution in 1935, before the speculators shall have reached out and optioned or purchased it, and held it for a rise against a failure of the seed crop, or a partial failure of the seed crop, at this time.

Mr. THOMPSON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. THOMPSON. I should like to ask the date of that message.

Mr. LA FOLLETTE. June 9, 1934; just 6 days ago.

Mr. THOMPSON. This year the wheat was entirely destroyed, and also the oats and barley and rye; something not known in my State as long as I have lived there, since 1881. I am thoroughly satisfied from all reports which I can get that the estimate made by the Senator from Wisconsin in regard to the drought relief is more nearly correct than that contained in the bill. I heartily concur in the remarks of the Senator from Wisconsin.

Mr. LA FOLLETTE. In regard to the emergency acquisition of submarginal farms and assistance in relocating destitute farm families, which is also in part the justification of the committee for reducing this amount, I may say it is perfectly obvious, Mr. President, that in some of these areas there is no possibility for the farmers to survive. It is a question, then, of whether they will be removed from this submarginal land and placed upon lands where they may have an opportunity to recapture their economic self-sufficiency or whether the Federal Government or the States or the counties will attempt to support them and their families on the areas upon which they are now located.

I desire to quote briefly, Mr. President, from the survey of the drought situation prepared and issued by the Bureau of Agricultural Economics of the Department of Agriculture:

Crop prospects declined seriously during May, and the country now faces an acute shortage of pasturage, hay, and forage that will necessitate a sharp curtailment of livestock numbers, according to a preliminary telegraphic survey of the situation by field statisticians of the Bureau of Agricultural Economics. Although the official estimates of crop conditions on June 1 will not be available until Friday, June 8, it is already evident that the condition of early crops is bad over a large part of the country, and the continuation of the drought from week to week is causing uneasiness regarding corn and late forage crops, which have been counted on to partially make up for the marked shortage of oats, barley, and hay which cannot now be avoided. Although recent rains have relieved the situation somewhat in certain limited areas, even should good rains come immediately the shortage of pastures and feed will necessitate the reduction of livestock numbers in the worst of the drought areas.

The drought, which centers in the Dakotas, has seriously hurt early crops not only in nearly the whole Corn Belt but in a larger area which extends eastward to northeastern counties of New York and to the Allegheny Mountains; southward into the northern portion of the Cotton Belt; and bending farther to the south, through the western counties of the Texas panhandle and to the Rio Grande. Drought, accentuated by a shortage of about half the normal supply of water for irrigation and by local shortages of water for stock, is affecting most of the West, south of a line drawn from north central Montana to San Francisco.

In this huge drought area, pastures, spring grains, and early hay crops have been scorched by the hot weather following months of low rainfall. A heavy reduction in crop acreage is already in evidence as some land could not be planted, some crops have failed to grow, and some of necessity have been pastured. Inasmuch as the present drought area ordinarily contributes a large share of the Nation's wheat, feed grains, and hay, the total production of these will be greatly reduced. Present indications are that the crops of hay and oats in particular will be much below the quantities harvested in any of the last 25 years. This may also be true of wheat, with the possible exception of last year.

As the drought in many respects has broken all previous records, so the condition of pastures and some crops will set new low records for June 1 in a number of States. A few of the States most severely affected will show lower averages than any State has previously reported on June 1 during the 40 years for which comparable condition reports have been secured. The average conditions of pastures and of some early crops in the country as a whole are so much below any previous records for this early date that it is difficult to make comparisons or to forecast results.

The great area affected by the drought this year tends to prevent the adjustments usually made to meet logical drought conditions. Farmers whose pastures are furnishing no feed are finding it difficult to buy hay. Many who would move their stock to green pastures are finding no pasturage available. Over large areas supplies are nearing exhaustion. Thousands, expecting rain, have carried their stock along by using every forkful of hay, straw, and fodder that they had on their farms.

I may say, Mr. President, that in Wisconsin some of the finest herds in the State have been pasturing upon land which is so barren of feed that they are now suffering in great numbers from a disease called soil impaction, and are having to be destroyed because they have eaten too close to the surface of the ground and have taken so much soil into their digestive canals that they are having to be destroyed.

Where hay crops have made fair growth some are cutting and feeding new hay that will be badly needed next winter.

I do not propose, Mr. President, to detain the Senate at this late hour of the day, but I do want to read briefly a couple of paragraphs from a letter which came into my hands a few days ago.

Mr. GIBSON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. GIBSON. I have been very much interested in what the Senator from Wisconsin has said with respect to the area covered by the drought. But there is another area which is not mentioned in the report he has read. In one county in the State of Vermont the hay crop has been practically destroyed. The pasturage is in practically a state of ruin. I am just in receipt of a telegram to the effect that one town has today made application for an allotment of \$5,000 to take care of the situation in that township.

Mr. LA FOLLETTE. I thank the Senator for his contribution. It simply confirms the contention which I am trying to support here that no man or group of men can tell what the effect of the drought will be, how far it will spread, or what its cumulative effect will be. Should we happen, Mr. President, to have a shortage of rainfall in the month of August, all the forage crops upon which many of the farmers are now depending for feed may be wiped out.

I desire to read just a few paragraphs from a letter from the farm supervisor of the State Board of Control of the State of Wisconsin, who is in charge of the various dairies which are located at the State charitable and penal institutions. Because of the nature of his work he has to travel about the State, visiting and supervising the work of caring for these dairies. He says:

I regret that it was not possible for me to talk personally with you before your departure for Washington, as I should like to lay before you a word picture of the predicament our best dairymen find themselves in as a result of an unprecedented series of both winter, spring, and summer drought.

Our contact is with the better class of Holstein breeders. Last week I visited breeders at Berlin, Waupaca, Oconto, and Marinette. Of the 25 good breeders visited, only 1 had any silage, hay, or other fodder. These farmers had all turned their cattle to pasture. We went over the pastures while looking at the animals and found all of the cattle in pathetically thin condition and reduced in milk flow to a point averaging less than half the normal production of these herds in years past. Most cows lose from 100 to 150 pounds body weight when turned from dry feed of the barn to good pasture. The pastures into which these cattle have been turned afford not enough feed to sustain the body weight and make possible any sustained milk production. Even along the banks of streams and in bogland, through which cattle ordinarily could not travel at this period of the year due to miring, we found no grass whatever, but cracks in the soil several inches in depth. We were not on a pasture where a golf ball could not be seen at 30 rods' distance. The condition was true throughout this entire area of sandy soil.

Yesterday I visited some of the old reliable Holstein breeders in the vicinity of Argyle, Mount Horeb, Dodgeville, Mineral Point, and Barneveld. This is a territory of fine, prosperous farms where excellent herds have been maintained for many years. The soil is heavy and contains natural limestone. The territory is almost

nationally known for blue-grass pasture and excellent Holsteins. On a farm 8 miles from Argyle we found cattle being lifted to their feet after freshening by means of an improvised hoist made from a wire stretcher and parts of a horse saddle. On five other farms we found that it had been necessary for the farm help to assist cattle to their feet following freshening. These cattle are so thin and weak that they are not able to stand broadside against the wind. Within 5 miles of Argyle a farmer milking 22 cows marketed the day before yesterday 172 pounds of milk from a herd of well-bred cattle.

In this territory, which nominally carries over a large amount of hay, we found not a single farmer with a fork full of hay or other forage on his place, nor one with any silage for summer feeding. These farmers all owned the land on which they are living, and in two cases this land had been in the family from the day it was homesteaded. These are nominally among the most prosperous dairymen of the State and have tremendous investments in cattle, land, and buildings.

Mr. President, I appeal to the Senate to restore the amount to that carried by the Budget estimate and recommended by the President in his message. Senators must bear in mind that the amendment will go to conference, there being nothing in the bill when it passed the House covering drought relief. If the amount shall be reduced, as suggested by the committee, to \$450,000,000, then there will be no possibility of that amount being raised in conference. On the contrary, the amount will be in jeopardy of being reduced below \$450,000,000.

The people in this vast area have a right, in view of the traditional policy of this Government since its foundation, to come to the aid of citizens in distress because of calamities brought on by act of God, to expect the Congress, before it adjourns, to provide adequate funds to meet not only the suffering of animals but the suffering likewise of men, women, and children who have worked long hours and given their all to build up their communities and the Nation, and who constitute a group of citizens in this Republic who have never failed to come to its support in times of stress.

Mr. SHIPSTEAD. Mr. President, I want to call to the attention of members of the Appropriations Committee the fact that the President's message asking for \$525,000,000 for drought relief was based upon estimates arrived at after a very thorough examination of the drought-stricken areas by the Emergency Relief Corporation, by the Department of Agriculture, and by the Rural Credit Corporation. Their estimates called for \$525,000,000, and were approved by the Budget and asked for by the President.

At a meeting of Senators and Members of the House representing 16 different States, Mr. Chester Davis, who laid the facts of the survey before the conference, when asked if \$52,000,000, in his opinion, would be sufficient, said "It would be sufficient if we get rain." He did not say it would be sufficient or that we would need it whether or not we should get rain. He said it would be sufficient if we get rain.

In some areas there has been some rain, but I beg Senators to remember that the Secretary of Agriculture is quoted as saying that the ground is so dry that in order to stop the drought and bring on forage crops the country must have an inch of rain every week throughout the summer.

The reduction in the appropriation is evidently made on the assumption that the drought is broken. The drought is not broken. The \$525,000,000 included in the amendment is assumed to take care of the damage that has already been done. We do not know what is the damage that may be encountered later. The Senator from Vermont [Mr. AUSTIN] said the drought exists in Vermont. The Senator from Indiana [Mr. ROBINSON] told me the drought in Indiana is not broken. In the Mississippi Valley, where we have had some rain, the drought and its effects are not changed.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. Certainly.

Mr. ASHURST. Perhaps I may make a contribution of information as to the drought condition of the southwest. Only yesterday the Department of Agriculture was obliged to enter into the drought relief area 10 of the 14 counties in Arizona. So far from being broken in the Southwest, the drought is continuing.

Mr. SHIPSTEAD. I thank the Senator. The drought areas are spreading like a prairie fire and we do not know when it will stop.

Mr. BORAH. Mr. President, if we should raise the amount to \$525,000,000 and it should not be necessary to use it, the Department would not have to use it, would they?

Mr. SHIPSTEAD. No, indeed.

Mr. President, to meet the devastating damage done in the drought area is like trying to put out a fire in the house. We do not know how much water will be required. The drought is still spreading, and we do not know how much money we must have in order to take care of the damage and take care of the people. The representatives of the Department of Agriculture said \$525,000,000 would do if we get rain, but it is not raining in many parts of the country, and where we have had rain there has not been sufficient to break the drought.

The allocation of funds, so much for this and so much for that, is like a situation where we might undertake to fight a fire in the house and we would say we will devote so many gallons of water to this room and so many gallons to that room. The money has to be spent where it is needed. We will have to have the funds wherever they are needed and for whatever purpose it is necessary to use them.

I wish to say to members of the Committee on Appropriations that if they cut this appropriation on the assumption that the drought is broken and that it is not spreading, they acted under a misapprehension, and the consequences of that act may bring such devastating suffering and misery to the people and to the livestock as to make it necessary to call the Congress back into extraordinary session before the fall shall have passed.

I join with the Senator from Wisconsin [Mr. LA FOLLETTE] in urging the Senate to at least restore the appropriation to the amount asked for by the President, based upon the estimates of the three departments of the Government and accepted by the Bureau of the Budget.

Mr. NYE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. THOMAS of Utah in the chair). Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. SHIPSTEAD. I yield.

Mr. NYE. To the end that the Senator's argument may be slightly enlarged upon, I should like to remind him that when the issue was pending before the Appropriations Committee presentation was made by Mr. Hopkins, Secretary Wallace, and others of the need that then existed. I should like to say to the Senator that so recently as yesterday Secretary Wallace declared that the need for the amount of money which had originally been asked to fight the drought conditions had been in no degree lessened by reason of what some like to call a breaking of the drought during recent days.

Mr. SHIPSTEAD. I thank the Senator.

Mr. President, I ask permission to print in the RECORD at this point a letter which I received some time ago from a Minnesota farmer's wife.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRINCETON, MINN., May 2, 1934.

Senator H. SHIPSTEAD,

Washington, D.C.

DEAR SENATOR: Just received the return from a cow we shipped Monday. Received a check for \$1.33 for a cow we paid \$65 for 3 years ago. She brought 75 cents a hundred; total, \$5.06; expenses, hauling, etc., was \$3.76; our check, \$1.33. We shipped another one this morning before we got this check. I know she will bring no more, but what can we do? We have no feed and no prospect of any pasture for some time to come. We have received 5 tons of hay and some grain (drought relief), but now hay is \$20 a ton and can't get it at that. It is so dry and the wind is blowing worse every day. Why should the packers be allowed to take advantage of the farmers that have to ship the stock on account of no feed? Is there a way we can be reimbursed for the loss we have to take? My husband has been in bed most of the time since last September with nephritis. I have no help except what I can hire, and that can't be much with the income we have, with a cream check from 76 cents in January to \$18 for April, milking 7 cows, when interest on \$13 and taxes are paid, feed \$10 last month. I work until I am so tired I think I am sick sometimes. Then I had to take a \$5 relief order a month, besides as much as I hate the thoughts of being on relief, as I am a Norse and brought up in the old school of trying to help others instead of being helped.



Why not permanent-disability pension as well as an old-people's pension?

I am a graduate and registered nurse. Often thought, Why not a disabled and an old people's pension? It would do away with a lot of misery. I think it is very much appreciated what the Government is doing for relief, but hard to reach where it is needed most, I have been told. Two workers have been here to ask questions, etc. We have a large window out with glass cloth nailed on both the storm and inside windows right at the head of Schaeffer's bed that keeps pounding in this awful wind. It is nerve-wracking, but their visits did not help that any. Thank you. Excuse the long letter. We know you fight our battles at Washington.

MRS. E. SCHAEFFER.

Mr. PITTMAN. Mr. President, I desire to invite attention to the President's message on this particular subject, in which he said:

These wholly tentative estimates have been made upon the basis of present and probable conditions. I believe the present emergency can be effectively met by an appropriation of \$525,000,000. Only such portion, of course, will be used as becomes absolutely necessary. We are dealing with a rapidly changing problem and it is important that the authorization should be flexible so that funds can be allotted to the several Federal agencies as required.

I will say that the last sentence deals with the last amendment that we lost.

I do not see any reason why the subcommittee should not accept the \$525,000,000; and if they find that the President does not want the \$525,000,000, it will be a simple matter to reduce the amount.

Mr. ADAMS. Mr. President, I think the Senators who have spoken with reference to this amendment are laboring under some misunderstanding as to the attitude of the committee.

The reason why the amount of \$450,000,000 was put in was because it was the highest amount that the members of the committee who were trying to support the President's program could get. Our colleagues across the aisle, acting in the utmost good faith—I do not say other than that—insisted that \$300,000,000 was all that would be required; and, as a matter of fact, the division in the committee was very close.

The amount was crowded up from \$300,000,000 to \$350,000,000, and \$450,000,000 was the outside amount that could have been put through the Appropriations Committee by reason of the opposition of Senators who sit across the aisle.

The members of the Appropriations Committee heard the evidence.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. ADAMS. I do.

Mr. BORAH. I take it, then, that the amount which was put in was not satisfactory to the committee as a whole.

Mr. ADAMS. No; some wanted more and some wanted less.

Mr. BORAH. I was wondering how the Senator from Colorado felt about the matter.

Mr. ADAMS. Personally, I should be glad to have more; but I think there was a balance of a single vote that put the amount at \$450,000,000, and I think some Senators underestimate what \$450,000,000 is. We have gotten so in the habit of talking in big figures that we do not understand what they mean.

The Senator from Wisconsin says that no man can tell how much may be needed. That is true. No man can say with assurance that \$525,000,000 is the amount that is needed, any more than another man can say that \$450,000,000 is needed, or another man can say that \$300,000,000 or \$350,000,000 is needed. It is a matter of judgment. The President gathered the evidence that he had. Before the Committee on Appropriations were the same men, or at least the heads of the departments. They gave their evidence. The evidence was given consideration, and I do not question the good faith of those who made the estimates. They were not men who were regardless of the suffering in the drought areas, nor were they ignorant of the extent of it.

I think perhaps the comment would be justified that in 1930, as I recall, a battle was waged here by the Senator from Wisconsin [Mr. LA FOLLETTE] and the Senator from Colorado [Mr. COSTIGAN], and the issue then was whether or not the Federal Government owed any obligation to the individual citizen, and they were defeated, if my reading of the RECORD is correct, upon the first issue.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. ADAMS. No; I would rather not yield until I finish.

Mr. LA FOLLETTE. The Senator has used my name.

Mr. ADAMS. Permit me to finish the paragraph in my mind please. The two Senators waged a marvelous fight, and today we find that the matter of principle for which they battled is established, and the issue now is the issue of amount. The question as to the obligation of the Federal Government to its individual citizens is a fight that has been won; and I wished to pay my tribute to the Senator from Colorado and the Senator from Wisconsin, who waged that fight.

Mr. LA FOLLETTE. Mr. President, the statement which the Senator has just made prompts me to ask him to permit me to make this statement as to the distinction I tried to make in my remarks:

There has never been any question, so far as I have been able to find out, as to the responsibility of the Federal Government in coming to the relief of citizens suffering from a calamity of nature, or a so-called "act of God." At the time the senior Senator from Colorado [Mr. COSTIGAN] and I were fighting early in this depression for funds for unemployment relief, it was admitted on all hands by the most bitter opponents of our proposal that if citizens were suffering from an act of God there was no question but that the overwhelming precedents were in favor of the Federal Government coming to their aid and succor.

Mr. ADAMS. Was the Senator ever able to draw that line satisfactorily in his own mind?

Mr. LA FOLLETTE. So far as I was concerned, it seemed to me that it made little difference to an innocent victim of a disaster whether it was economic or an act of God; but some Senators on this floor did draw that distinction. What I say, however, is that that issue is not involved in this case, because, beginning back in the late 1700's, in every case of serious damage from flood, fire, drought, and earthquake the Federal Government has come to the relief of its citizens.

Mr. ADAMS. I shall have to ask the Senator to make one exception. I came to Washington from a flood-stricken community in 1922, when the valley in which I lived and the city in which I lived were almost destroyed, and I was told that it was not the function of the Federal Government to grant relief in such a condition, and no relief was extended.

Mr. LA FOLLETTE. I shall be glad to place in the RECORD a list of all the instances in which the Federal Government has come to the relief of the citizens who were victims of flood, fire, drought, or earthquake.

I ask permission to insert in the RECORD the list to which I have referred.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE GOVERNMENT HAS BEEN GENEROUS IN THE PAST IN RELIEVING DISTRESS CAUSED BY DISASTER

It has been the traditional policy of the Federal Government of the United States to come to the assistance of citizens who, through no fault of their own, were suffering from disaster and were unable to provide for their sustenance and relief. It began in 1827, when there was appropriated from the Treasury of the United States \$20,000 to assist the citizens of Alexandria, Va., as a result of a fire which swept over that city.

In 1874, Congress appropriated \$190,000 for relief necessitated by a Mississippi River flood, and later they appropriated an additional \$400,000.

In 1875, \$150,000 was appropriated to relieve conditions created by a grasshopper plague.

In 1882, the Mississippi River again went on a rampage, and Congress granted three appropriations from the Federal Treasury to relieve the sufferers in the flood area. One was for \$100,000,

one for \$150,000, and then, later, another appropriation of \$100,000 was voted in the same Congress.

In 1884, Congress appropriated \$300,000 to relieve the sufferers in the flood area of the Ohio River Valley.

In the same year, on account of Ohio and Mississippi River floods, Congress appropriated \$200,000.

In 1897, on the occasion of another flood on the Mississippi, Congress responded with an appropriation of \$200,000.

In 1906, \$1,000,000 was appropriated to relieve conditions growing out of the San Francisco fire and the earthquake; \$1,500,000 additional was appropriated to relieve the sufferers from the same disaster.

In 1908, \$250,000 was appropriated to relieve the victims of a cyclone in Southern States.

In 1912, Congress appropriated \$1,239,000 on account of Mississippi and Ohio River floods.

In 1913, Congress appropriated \$654,000 to relieve flood and tornado victims.

In 1913, again the Mississippi and Ohio River flood conditions caused Congress to appropriate \$130,000 to relieve suffering and distress.

In 1914, \$200,000 was appropriated to relieve conditions in the city of Salem, Mass., produced by a fire.

In 1916, appropriations were made to take care of sufferers because of floods in Southern States.

In 1928, Congress appropriated \$1,500,000 for the relief of persons affected by a flood in the Mississippi River.

In 1927, President Coolidge made an address to the American Red Cross in which he boasted that the supplies, material, and other services furnished by the Federal Government in that year to the victims of the Mississippi River flood amounted, in his judgment, to over \$7,000,000.

#### APPROPRIATIONS TO RELIEVE DISASTER VICTIMS ABROAD

Mr. President, we have not only extended the generosity of the Federal Government to relieve distress of victims of disaster in the United States, but we have likewise evidenced our generosity when disaster has befallen peoples of other lands.

In 1889, we appropriated \$100,000 for the destitute citizens in Cuba.

In 1902, we appropriated \$200,000 to relieve the victims of the French West Indian earthquake.

Again, in 1909, we appropriated \$300,000 to relieve the victims of an Italian earthquake.

In 1911, famine victims in China received \$50,000 from the Federal Treasury.

Mr. ADAMS. In this case, of course, we are combining a depression and the drought. We have this drought fund, and we have a fund larger than that to meet the depression. It was the ultimate judgment of the committee, as a committee—not the judgment of individual members; and, of course, as the chairman of the subcommittee, I am here speaking the mind of the committee as to the result which it reached as a committee—that \$450,000,000, added to the moneys available which have been detailed before, would meet the problem as the President stated it in his message adequately, while conceding, of course, that no man knows how far it may go.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. ADAMS. I yield to the Senator from Florida.

Mr. FLETCHER. I simply desire to say in that connection that Florida suffered terrible loss from hurricanes in 1926 and again in 1928. Thousands of people were drowned; cities and towns and communities were practically destroyed. Florida never got any appropriation from the Federal Government. That storm came up from Puerto Rico. Puerto Rico was terribly damaged, and I think we appropriated \$5,000,000 for her relief, but nothing was appropriated to the State of Florida.

Mr. ADAMS. Mr. President, there are two things in which we are interested. We want to provide adequate funds, and, on the other hand, we do not want to forget entirely the taxpayer. We want to go as far as we can, but there is a stopping point.

Mr. FLETCHER. Mr. President, my statement was not intended to be in opposition to this drought relief. I voted for it before and I expect to vote for it now.

The PRESIDING OFFICER. The question is on the amendment, in the nature of a substitute, offered by the Senator from Wisconsin to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. LOGAN. Mr. President, I desire to offer to the committee amendment on page 87 an amendment, which I send to the desk and ask to have read by the clerk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 87, after line 21, it is proposed to insert the following proviso:

*Provided, however, That no funds appropriated by this title shall be loaned, granted, or donated, either directly or indirectly, to any commission, board, or instrumentality created by Congress or other public authority for the sole purpose of bringing into being or carrying into execution any self-liquidating project, unless the obligations of such commission, board, or other instrumentality shall be guaranteed as to payment of interest and principal by a State, county, municipality, or political subdivision of a State, county, or municipality, or unless such obligations are otherwise adequately secured, and the income from such self-liquidating projects shall not be accepted as adequate, and this proviso shall apply to any appropriation heretofore made and unexpended for like purposes as those mentioned in title 2 of this act.*

Mr. LOGAN. Mr. President, I should like briefly to explain the purpose of this amendment. In the first place, it has nothing whatever to do with the orderly processes of making loans as contemplated by the original act or by this amendment, but there is growing up what I conceive to be the most fruitful source of log-rolling and "pork barrel" legislation I have ever seen, and it ought to be nipped in the bud before it goes any further.

At this session of the Congress probably half a dozen bills have been passed creating some little commission or board, vesting in it the authority to create or bring into being some self-liquidating project, and allowing it to go to the Public Works Administration—at least that is the purpose of it—and borrow money from the Government, which is turned over to such board or commission without restriction and without regulation, and it puts up nothing at all as security except the fees or income from the project.

The proposed amendment has nothing to do with anything except such a commission or board as may be created by Congress or by some State or by some city, having nothing behind it except a license to do a particular thing.

For instance, only a few weeks ago there was created a certain bridge commission, and it was given authority to construct a bridge across a certain important river, and it was given authority to manage, control, and operate that bridge. That particular commission now has filed an application with the Public Works Administration asking for a loan of some two or three million dollars; asking that the money be turned over to it, that it may build a bridge which it will operate for 30 years, and then turn it back to the Government, or else the Government can give it to the State.

I do not believe that the Public Works Administrator, Mr. Ickes, will allow a thing like that to get by him, but it has been placed in a very favorable position to be acted upon soon. Pursuant to that scheme, which has been devised by some able lawyer, I do not know who, who has figured out the plan, there are now 4 or 5 or 6 other measures providing for things exactly like it which have just been passed by Congress. Last week three or four bills providing for the building of bridges were passed. It may be there are proposals to establish reclamation projects or drainage projects, but whatever they may be they are wrong and should be stopped now. To allow such a commission, without anything to back it, to go before the Public Works Administration and get money from the Government is wrong. It is true the Government is authorized to give itself credit by 30 percent of what it may give to these people, but the Government parts with it, and then at the end of the time, if it ever pays out, the Government will have a free bridge or some other project.

There is only one purpose in this amendment. The purpose is to require some State, some municipality, some political subdivision, or someone to stand behind such projects before the Public Works Administration may advance any money either as a loan or a grant. That is the sole purpose of the amendment, and I think undoubtedly it ought to be adopted because such things should not be allowed.

Mr. ADAMS. Mr. President, under the direction of the committee, I am required to raise the point of order that



this amendment proposes general legislation; therefore it is not in order at this time.

Mr. LOGAN. Mr. President, I deny that it proposes general legislation or that it has anything to do with general legislation. This proposed legislation appropriates money and authorizes that it be expended by the Public Works Administration or by the Reconstruction Finance Corporation. The amendment places a restriction only as to the method of securing that money. It is directly in line with the legislation which we have under consideration.

The PRESIDING OFFICER. The Chair rules that the amendment is germane.

Mr. ADAMS. It is not a question of the germaneness; it is a question of whether it is legislation or not under paragraph 4 of the rule.

The PRESIDING OFFICER. The Chair rules that the amendment is in order.

Mr. BYRNES. Mr. President, the Senate should know that the Public Works Administration is opposed to the amendment offered by the Senator from Kentucky. They take the position that it will prevent municipalities from participating under the Public Works program.

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. LOGAN. It has nothing whatever to do with anything excepting such a commission as may be created now, and it has nothing to do with municipalities. It interferes in nowise with their receiving benefits from the Public Works Administration. It deals with commissions which are created for the purpose of bringing into being self-liquidating projects. It means, if there is created some commission with nothing behind it, that it cannot go to the Public Works Administration and borrow money. The amendment has no sort of relationship to municipalities or States or counties. It does not even touch them. It relates only to those things which are created now by the Congress or by a State legislature or by a municipality.

Mr. LA FOLLETTE. I desire to direct attention to the last part of the amendment, which reads:

And the income from such self-liquidating projects shall not be accepted as adequate, and this proviso shall apply to any appropriation heretofore made or unexpended for like purposes as those mentioned in title II of this act.

It seems to be very clear that in the case of municipalities which have attempted to set up projects which are self-liquidating in character, because they collect revenue as the result of their being constructed, they would be barred under the Senator's amendment from submitting those projects and having them approved.

Mr. LOGAN. Mr. President, it has nothing to do with any self-liquidating project, except where a commission is created to bring into being a self-liquidating project. It has nothing to do with cities that have a self-liquidating project or with States where anyone pledges anything to secure it. I tell the Senate and I want it to go on record—it means nothing to me; I am not interested in it—but I say that we have passed four or five measures in cases similar to that which I described. We will say that Jim Smith and John Jones and some others create a commission, and that commission shall have the right to construct a bridge across a certain river and operate that bridge after it is constructed. They are now here asking for a loan from the Public Works Administration to do that work, and the Public Works Administration, if it makes the loan, turns the money over to the men we have named, and there is no restriction placed around them. It will create a greater scandal in the end if it is carried out than the building of the western railroads soon after the Civil War.

Mr. ADAMS. May I ask a question of the learned Senator from Kentucky [Mr. LOGAN] as to the last paragraph? I recognize that the Presiding Officer has ruled. Will he explain the last clause?—

This proviso shall apply to any appropriation heretofore made.

Mr. LOGAN. May I say to the Senator that we have not reappropriated any funds left over. In the future when there is set up one of these commissions to bring into being

a self-liquidating project, it can get no money which is appropriated by this bill, or any remaining over from the previous appropriation.

Mr. BYRNES. The counsel for the Public Works Administration takes an entirely different view from that expressed by the Senator from Kentucky. The conference of mayors of the United States also takes a different view.

Mr. LOGAN. Mr. President, this amendment was only introduced day before yesterday. I never advised with a living human being about it. If there has been a council of mayors since that time, if anyone has found out about it, they found out about it in the last 48 hours. I did not discuss it with them. It was so simple that I thought the Committee on Appropriations would put that in, or something like it, but they seemed to have misconceived the purpose of it, and so does the Public Works Administration. It does not mean anything like what the very distinguished and able Senator from South Carolina seems to think it means. It is suggested that it is violative of the Constitution, or that it interferes with the States and the municipalities or counties. It has nothing to do with them at all. It stops the setting up of dummy corporations and having them come in and getting money.

Already millions of dollars have been voted to them. It stops turning money over to commissions which will build a bridge or something else and collect tolls and operate for a period and at the end of that time turn it over to the Government, which then will have a bridge on hand. Of course we all know that the Government at the end of 2 or 3 years will have a bridge on its hands because all of those bridges are going into the hands of the receivers.

Mr. BYRNES. Mr. President, the amendment was introduced some few days ago. I did not know and I did not intend to convey that there had been a conference of mayors to pass upon this question, but the executive committee appeared before the Appropriations Committee and filed with the committee their protest against this amendment on the last day the subcommittee was in session. Their position is set forth in the hearings at page 288. Their argument was as follows:

Under the provisions of the original Emergency Relief and Construction Act the only type of Public Works projects eligible for Federal loans was that which was self-liquidating or self-supporting in character.

According to the provisions of the act:

"A project shall be deemed self-liquidating if such a project will be made self-supporting and financially sound and if the construction cost thereof will be returned within a reasonable period by means of tolls, fees, rents, or other charges or by such means (other than by taxation) as may be prescribed by the statutes which provide for the project."

This provision in the Emergency Relief and Construction Act made it necessary for most States to pass revenue bond acts before their municipalities could properly qualify for Federal loans. Accordingly, revenue bond acts were adopted by 28 States during the past 2 years. Practically all public-works projects financed by the Reconstruction Finance Corporation were secured by revenue bonds. Municipalities and other political subdivisions in many States, unable to issue additional general tax obligation bonds because of constitutional debt limitations, were able, after the enactment of revenue bond laws, to issue such bonds and initiate the construction of much-needed water works and sewage projects as unemployment relief measures.

Municipalities in their attempts to reduce governmental expenditures and property taxes lowered their assessed property valuation to a point where no further bonding could be undertaken without exceeding their constitutional debt limit. Such communities continued to be good credit risks but were simply prevented from issuing general tax-obligation bonds due to these constitutional limitations. Municipalities in many States could not finance public-works projects except by issuing revenue bonds.

The National Industrial Recovery Act removed the mandatory self-liquidating provisions of the Emergency Relief and Construction Act. With these restrictions removed, the Public Works Administration has accepted revenue bonds as "adequate security" as defined in the act. In fact, the Public Works Administration has recommended that States pass legislation to enable municipalities and other political subdivisions of the State to issue revenue bonds.

Their position, as I gather from the brief filed, is that if the States are forced to guarantee the instrumentality, the corporation referred to by the Senator, to guarantee the payment of interest and principal by cities or by some political subdivision, that they could not make such guarantee



and therefore they would be precluded from participating in the loan.

Mr. LOGAN. That is an entirely new conception of the whole matter. Kentucky has more river frontage perhaps than any State in the Nation. If we are going to allow a few men to get together on a public highway and build a bridge across the Ohio River and pledge the income from that bridge, and they can get loans on that without putting up a bond or anything, without doing a thing in the world except to file an application and say it is self-liquidating in its nature, and if the Public Works Administration hold that it is, then it will grant that money without restriction and without control. I would be much better and in effect the same thing if the Government would build the bridge itself in the first place. But here we are delegating the right to some board to build it, to some board to manage it, and all the Government has as security is the promise or the pledge of the income from it without owning anything in the world behind it.

I do not believe Mr. Ickes will authorize a thing of that kind, but my information is that the Public Works Administration is desirous of having that kind of legislation. I do not know whether it is true or not. These things are being placed over there now and given a preferred position, as they are anxious to go to work building bridges and other things throughout the United States. I am opposed to it and that is the reason why I have offered the amendment.

Mr. BYRNES. There is no doubt in the opinion of counsel of the P.W.A. and there is no doubt in the opinion of the gentlemen representing the conference of mayors that the adoption of the amendment would prevent the financing of the projects of the municipalities in the country for sewerage and other projects of that character.

Mr. LOGAN. How, may I ask the Senator, would it prevent it?

Mr. BYRNES. Because of the language that "no loan shall be made to a board or instrumentality"—

Mr. LOGAN. The Senator has not read it all. It is that "no board or instrumentality created for the purpose of bringing into being and following out the execution of a self-liquidating proposition."

Mr. BYRNES. There is no doubt about it. In the various municipalities of the country this is what has been done. Public utility bonds, as stated in the brief—

Mr. LOGAN. Yes; but what about the self-liquidating nature of the proposition?

Mr. BYRNES. It is contemplated that a portion of these loans at least should be guaranteed by revenue bonds and not merely by the guarantee by the municipality of interest, as would be required under the amendment.

Mr. LOGAN. That may be absolutely true, but this has nothing in the world to do with it, because they are not created by Congress for the purpose of bringing into being that kind of thing.

I am speaking now so far as my own State is concerned. There are two of these bridges proposed across the Ohio River, and it is provided that they shall be built and it is not proposed that they shall put up a thing on earth except a pledge of a mythical income from a mythical bridge which is to be built with real money.

Mr. BYRNES. I simply want to conclude by stating that all the bill provides is that no funds appropriated by this title shall be loaned, granted, or donated to any commission, board, or instrumentality created, not only by Congress but by other public authority, for the purpose of bringing into being a self-liquidating project. Throughout the country projects have been established for the purpose of filing applications, and the States and municipalities cannot guarantee the interest under the constitutions of approximately 28 States in the Union, in the opinion of the attorneys for the P.W.A., and I am satisfied it would do great injury to those municipalities.

Mr. BONE. Mr. President, I should like to ask the Senator from Kentucky a question because there is a situation in my State which I think typifies the argument made by the Senator from South Carolina. There is a county in the

State of Washington which is prepared to build and desires to build a bridge across Puget Sound. The county may not under the constitution now guarantee the bonds of that bridge for the full amount. A survey of traffic conditions reveals that the traffic over that bridge would be two or three times sufficient to amortize the cost of the bridge represented in utility bonds, which are a very common type of public issue in the State of Washington. They are resorted to by cities. The survey by the Public Works Administration has revealed that there is traffic ample there to take care of the bonds. The bridge is to be owned by the county. I am not certain, from the Senator's explanation and from a reading of the amendment, whether or not it would interfere with such a project.

It is true that this is not a commission, board, or instrumentality that will handle the bridge.

Mr. LOGAN. And it does put up security for anything it borrows from the Government; does it not?

Mr. BONE. It gives these utility bonds on the bridge.

Mr. LOGAN. That is right; but the county itself issues those utility bonds.

Mr. BONE. That is right.

Mr. LOGAN. What I am driving at is the fellow who puts up nothing, who offers no bonds, who comes here without anything except a bond on a bridge that has not yet been built, and a promise to pledge its income and nothing else.

Mr. BONE. Of course my purpose in asking the question of the Senator was this: These bonds are underwritten by a pledge of revenues, and the pledge rests upon nothing except the promise to pay the bonds from revenues to be derived from the operation of the bridge. Pierce County, like all other counties in the United States—I assume that to be the case in all other States—is a municipal corporation. It has certain powers, and under the State law it may issue utility bonds on certain types of public improvements of a utility nature.

This bridge by an act of the legislature was declared to be a public utility, and the county was authorized to issue these bonds, and to pledge the traffic revenues of the bridge to amortize the bonds over a period of years; and these bonds will be pledged to the Public Works Administration to pay for the bridge. I am fearful that this amendment might be broad enough in its scope to prohibit that which was a perfectly logical suggestion to make to the United States Government.

Mr. LOGAN. I do not think the amendment reaches that. Those whom I am trying to reach by this amendment are those who do nothing except to come here to the Public Works Administration and ask for money merely by promising the income. The Public Works Administration is a commission which we have created. So far as I am concerned, the Senator may strike out the States, counties, and municipalities, and the utilities created by them; but we have started in now and have passed in the last 2 weeks something less than a dozen measures having but one thing in view, and that is to go to the Public Works Administration and get money merely by promising the income.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. LOGAN] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the committee amendment.

The amendment was agreed to.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 6462) to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DeRoven, Mr. Chavez, Mr. Robinson, Mr. Englebright,



and Mr. EDMONDS were appointed managers on the part of the House at the conference.

#### ADDITIONAL REPORT OF A COMMITTEE

Mr. WALSH, from the Committee on Education and Labor, to which was referred the joint resolution (S.J. Res. 143) to effectuate further the policy of the National Industrial Recovery Act, reported it with amendments and submitted a report (No. 1447) thereon.

#### ISSUE OF THE HOUR

Mr. SCHALL. Mr. President, today conditions of Federal Government are such as never before known since the adoption of the Constitution. We should chart our course pursuant to the wisdom and high hopes of the first Republican President—Abraham Lincoln—who expressed our faith at Gettysburg.

Today, for the first time since the will of George III was the law of the land in America, the Federal powers of our Government, both executive and legislative and to a large extent judiciary, reside in the will of one man—the Constitution notwithstanding.

It is true that the constitution of the ancient Republic of Rome, 500 B.C., provided for a dictatorship in time of emergency or war. But the term of a Roman dictatorship ended in 6 months. The demand of the White House today is for unlimited suspension of the law of the land—that his emergency powers be made permanent.

The Roman name for permanent dictator, under the suspension of the constitution, was emperor. When Julius Caesar, the last of the Roman dictators, was believed to be seeking a permanent grant of emergency powers he was assassinated at the foot of Pompey's statue. The American way is better—the ballot booth in the ides of November.

The first great charter of the American Republic—our Declaration of Independence—which we have been reading on July 4 since 1776, tells us that "governments are instituted among men, deriving their just powers from the consent of the governed."

Today the "brain trust" of the Federal new deal tells us that we shall never go back to the ideas of 1776, and that the term "consent of the governed" has been permanently changed to mean—consent of the White House in Washington.

In place of a democracy we have become a bureaucracy subject to the will of one man, as before the adoption of the Constitution. To that end the laws and Constitution stand suspended, and the White House itself demands that the suspension shall be permanent. That is the issue of the hour, which today we prepare to meet.

All bills for raising revenue—the Constitution provides—shall originate in the House of Representatives, the body elected by the voters to express their lawful will in their respective congressional districts. Today, not only bills for raising revenue, but other bills of major consequence, originate in the White House. And the President has the power at his own sweet will to designate how much revenue. He has the power to put out of business any class of people in the United States that he wants to, and he now demands complete censorship of the press. The peoples' respective representatives are compelled to sit around with folded hands until someone calls up the White House. The Senator or Representative who refuses to obey the White House command and vote "me too", is branded as a man who has committed lese majesty.

Instead of a deliberative body of lawmakers assembled to express the will of the people, Congress under the new deal is presumed to be a doormat for the "brain trust" and a handy scapegoat for the blunders of the White House.

I congratulate the 295 Members of the House who, on March 12, had the courage to congeal the first major bolt from White House domination—the 295 who placed the needs of the veterans and their families, as likewise the honor of the American flag, above the commands of the White House and its patronage threats, and above the demands of the Wall Street profiteers who reaped their billions out of the

sacrifices of our sons and brothers drafted into war in a foreign land.

At Verdun and on the Marne, at the St. Mihiel drive, as at Gettysburg and Appomattox, the colors of Minnesota regiments have always waved at the front of the battle line. In the ballot booth of November let us hope the people will not forget that the Executive hand which granted doles of billions and billions to bank and railway and kindred corporations—the beneficiaries of war—penned the veto on just compensation for the brave victims of that war, the sons and mothers in my State, Minnesota, and every other State in the Union.

Among the pledges of the White House incumbent, before election, as expressed in the Democratic platform written in Chicago, was this: "We advocate strict and impartial enforcement of the antitrust laws to prevent monopoly."

After election one of the boldest acts of the new dictatorship was the complete suspension of the antitrust laws for a period of 2 years and 60 days under the N.R.A.—followed by the present demand of the President of an indefinite suspension under a permanent N.R.A.

Homes and consumers have been deprived of all protection from exploiting trusts and monopolies. Not only that, but over 400 trusts already have been legalized under price-boosting codes of the N.R.A., and commanded to do that which the laws of the land for 40 years declared unlawful—namely, to form monopolies in restraint of trade to increase the cost of living of 40,000,000 families.

That is not all. The very heads of these monopolies—the high-salaried officials of the industrials and utilities whose stock boom and stock-market panic of November 1929 started the world depression—are today seated behind the throne in Washington as the President's industrial advisory board to dictate the terms of the price codes—a sustained exploitation.

Nor yet is that all of this new deal of suspending the Constitution and the antitrust laws under the N.R.A.

Though high-powered salesmanship on the New York Stock Exchange started the panic and depression, a high-powered salesman of that stock market—who describes himself as the "assistant of Barney Baruch", the Wall Street broker and preferred client of J. P. Morgan & Co.—is installed by the White House as the N.R.A. administrator. This brigadier general, who never got nearer a battle front than a "fat" office in Washington, is today in command of all American industries and utilities, both State and interstate, and all commerce, both local and interstate—though the powers granted the Federal Government by the Constitution extend only over interstate and foreign commerce. The local grist mill and store and barber shop are today "cracked down" by Washington under the pretense of "interstate and foreign commerce."

Not in the whole history of dictators and emperors from the earliest recorded time, until the present dynasty of Roosevelt II, will you read of a country where a stock salesman is made the national generalissimo to compel all industries and all trades to adopt price-boosting codes to increase the cost of living in all the homes, on all the farms, and on all consumers down to sheets on the bed, the tools of the farm, the denim in a workman's overalls, and the funeral expenses when the family is buried.

Ten years ago, the Minnesota State Legislature voted to memorialize the Federal Government to investigate and prosecute that unlawful graft known as "Pittsburgh plus", which added \$10 to \$13 per ton to the cost of finished steel consumed by the implement industries and the building industries of the State. Under Minnesota leadership there was finally built up a country-wide association of 29 farming States of the West and the South against the trust graft—Pittsburgh plus. The Federal Trade Commission found that Pittsburgh plus constituted a yearly robbery of \$30,000,000 on the farmers of 11 Middle West States alone. The cause, begun by Minnesota and supported by neighboring States, including the American Farm Bureau, was upheld by the Federal Trade Commission under the administration

of Calvin Coolidge, and Pittsburgh plus was presumably made an outlaw for all time.

Look what happens under the new deal. On August 19, 1933, a new steel code with a Blue Eagle is approved by the White House. The advisory board of the President in drafting that code are among the very men who invented the Pittsburgh-plus levy upon American industry. And now behold Pittsburgh plus, wearing the Roman eagle as a halo, comes to roost and takes unlawful toll from our homes, our farms, our mills and foundries, our cars and railways, all building and construction industries, and even toll from State and Federal projects. And this Pittsburgh plus and unlawful graft is declared lawful by the new dictatorship which, in November, we are to be asked to make permanent.

Mr. President, please note that the N.R.A. and its alphabetical cousin A.A.A. went into effect in July 1933. The first industrial code, cotton textile, was approved by the President July 9. Please remember July as the starting point from which to measure the economic effect of N.I.R.A. with its "crack-down" brigadier.

From July to December, the first 6 months of the N.R.A., only one industrial country on the globe had a setback in industrial production—and that was the United States.

From July to December the industrial production of the United States dropped 25 percent—the heaviest decline for that period of the year in the whole history of the depression.

On the other hand, in the same July-December period of 1932 preceding, the last year of the original depression, there was an industrial recovery of 12 percent. The low point of the original depression was July 1932. Recovery had already begun. There was no longer during the fall of 1932 and early winter of 1933 an emergency such as to justify a dictatorship by suspension of the laws and Constitution.

Something had to be done to justify the declaration for even a temporary dictatorship, let alone a permanent one such as has been established and which can only be overthrown by a return to Congress of an anti-Roosevelt legislature. There was no normal ground for setting up in America the Fascisti program of Mussolini. There was only one way to produce a Nation-wide economic emergency—to paralyze all trade and industry—and that was to close down all banks, the 20,000 financial institutions that are the financial foundation of all business. In March 1933 that very feat of buccaneering was achieved.

The entire banking resources of the United States were locked under an edict from the White House without knowledge or authority of the lawmaking branch of the Government or without warning to the people and the business affected. The entire 20,000 institutions—solvent and insolvent, mostly solvent—were closed down by the order of the new dictatorship. All business was paralyzed. Most industries were crippled. Workmen and school teachers, farmers and merchants could not touch their savings to pay a bill for rent or food. Thus the emergency, which became the pretext for the new dynasty, was created by the administration to foster the ambition of a new Caesar with his eagles.

The N.R.A. proved a "flop." Production fell. Normal employment by industrial demand declined. New imperial devices were tried. Employment was temporarily provided by the doles of the C.W.A. until that ended in a stage of graft.

The N.R.A., which had started in July with brass-band parades and an attack of delirium tremens, was now proceeding like a train of locomotor ataxia. Mills were closing. Steel production, which in July before the establishment of the codes, had stood at 60 percent of maximum capacity, had dropped below 30 percent.

Then came the desperate plunge of knocking the dollar of the fathers down to 59 cents, so as to fool the farmer, the workman, and the rest of us into thinking we are getting rich, when we are only getting 59-cent dollars for our crops and wages.

It accomplished this much. It canceled 41 percent of the foreign debt of Europe to the Treasury and American in-

vestors. It struck off 41 percent of the 11 billions due the Treasury from the Allied Powers. It struck off 41 percent of the 15 billions due from Europe to American investors in foreign securities. Thereby it was a gift of 10 billions to Europe.

That was not all. We began paying Europe \$35 an ounce for an ounce of gold worth \$20.67. We paid Europe a bonus of \$14 an ounce which must be paid in time by American taxpayers.

The effect of the N.R.A. and A.A.A. and other dictatorial experiments drove \$300,000,000 of American gold abroad during the summer months. That 300 million we sold to Europe at the world price of around \$21 an ounce.

Now what happens? In the recent month of February alone, that entire 300 millions which we sold at \$21 comes back at \$35 an ounce—paid out of the Treasury deficit. That 300 millions comes back worth 500 millions—and the gold import dealers and Wall Street speculators make a profit of \$200,000,000 at the expense of American taxpayers.

I am told that just before the passage of the bill authorizing the President to raise the price of gold, that the Wall Street bankers, Barney Baruch and his like, placed in foreign banks more than a billion and a half of our currency which, cashed into United States money after the rise, netted them something less than 41-percent profit.

And the expense of it all must be saddled on taxpayers—not merely the direct-tax payer who may "pass the buck" to his patrons, but the indirect-tax payer, the 130,000,000 consumers in the homes, in the shops, and on the farms, who must pay for all the waste and costs of this racketeering in cost of living.

The 15,000,000 acres of growing cotton plowed under to weave a cloak for high-powered publicity must be paid for in doubled prices of cotton goods for the homes.

The 3,000,000 young pigs that are donated to the packers on the pretense that young pigs are not food must be paid for out of the cupboard allowance of the workers.

The squandering of public funds at the rate of 10 billions annually to pile up a public debt that is now about the World War peak must be paid for by taxpayers and consumers to stagger the industry of years to come—all for the high-powered advertising of a temporary dictatorship that asks to be made permanent, and all it needs to secure that permanency is the election of a supporting Congress in 1934.

Now comes the drought to aid the destruction of food and clothing. It seems to be working hand in hand with the idea of the administration, for it has accomplished the evident purpose of the administration under its "brain trust" ideas even more completely and in much shorter space of time and with less cost to the taxpayers than the administration's fool practices did. I was told that to destroy good food and throw away or waste good wearable raiment was a sin in the eyes of God.

If this administration had taken from the market and stored the surplus, as Republican Senators advocated, it would have shown some sound Christian sense. It seems almost the wrath of God is being visited upon our people because of the silliness of our rulers. In all probability this drought will not be the last, for these come in pairs or by threes, and no doubt next year will see another catastrophe of drought. The administration should conserve, not waste and destroy.

Mr. President, I entered public life as a follower of that gallant progressive statesman, Theodore Roosevelt. Consult the Federal record, and you will find that the average expenditure of the Federal Government during the 7 years of Theodore Roosevelt was about six hundred and fifty millions a year.

Roosevelt II, the "new dealer", diametrically opposite of everything Theodore Roosevelt stood for, is squandering the public funds like a drunken sailor, at the rate of nine hundred millions in a single month. He is squandering on political doles, monopoly codes, and high-powered advertising, and drawing on the Treasury deficit as much public funds in 1 year as would more than support the Federal Government during the entire 7-year period of the real



Roosevelt, who stood for the Constitution and government by the people.

In the name of economy and a balanced Budget, our new dictator cuts down by 25 percent even the lawful allowances of disabled veterans and pares down by 15 percent the pay of Government clerks. Then in the same period he distributes billions and billions to banks and railways, insurance companies and utilities, and drops hundreds of millions in Army camps and military reserves.

Balanced Budget? The deficit is now seven billions since July, and he will run it up to better than ten billions, maybe twelve, before the year is through—and his economy pretense is that he is producing a balanced Budget.

He has demanded and received from a spineless Congress the power of regulating the tariff at his own sweet will, the Constitution notwithstanding.

Now Congress has given him the power to take the \$3,300,000,000 appropriated for certain specific purposes to the Public Works Administration and the two billion appropriated to the R.F.C. for specific purposes and use this money without restraint in any way he may desire. This completely abolishes the limitations in the expenditure of \$5,000,000,000 which were originally enacted by Congress and puts him in the position of being sole dictator without supervision of this gigantic fund of \$5,000,000,000 of the taxpayers' money.

At the demand of the White House there was originally incorporated in the pending deficiency appropriation bill a clause providing that any savings or unobligated balances in existing appropriations be transferred to the purposes of the Federal Emergency Relief Act of 1933, but the House showed some sense of justice toward the American taxpayer by changing this clause limiting it to any savings or unobligated balances of the Reconstruction Finance Corporation be given to the President to use at his discretion together with money already provided him in similar fashion to entrench further his dictatorship at the fall elections. There is therefore no restraint upon him, and if he so desires he may use this enormous amount of money to further entrench his dictatorship at the fall elections.

New deal! We have gone back to John I (1215) when the farmer barons captured him and at the point of the sword made him sign the Magna Charta which took from him and gave to the people the power of taxation. George III tried to deny to the Colonies the right of the Magna Charta and brought on the Revolutionary War. Taxation without representation was resented by the Colonies, but in the dynasty of Roosevelt II there was evolved a trick machine which was known as the "N.R.A." whose emblem was the Russian blue eagle.

Through this national racketeering association prices to the consumer could be so raised that the crowd of Barney Baruch with their 1,800 factories in foreign countries could, with cheap foreign labor, make the goods we need in this country and ship them in here over our tariff at big business profits.

This worked very well to skin the consuming public for about a year, but due to the newspapers getting into their code free speech along about the last of February, they again began to tell the truth to the people as to what was going on in Washington behind the scenes.

The N.R.A. has become a flop unless other power can be had through which censorship of avenues of information to the people can be maintained. Because of the N.R.A. we have had strikes and strikes, ruin and ruin, and bloodshed all over the country.

Our emperor now began to realize that if his international banker friends are to get back their \$15,000,000,000 loaned to foreign nations, he would have to get control of the tariff-making power, which he has succeeded in doing. This will be an excellent method of taking care of his international banker friends and at the same time furnishes him with the implements of discipline equal to that of the Spanish Inquisition, to insure the quiescence of any developing enemy to his reelection.

At his will through the reduction of tariff, any business in the country can be put out of commission in a very short time—an excellent political club to continue the fear complex that has enveloped our people ever since his coming to power.

Why, Senators, it is only within the last few weeks that people are again beginning to write letters in criticism of this or that action of our Government where they dare sign their names.

As soon as he gets limbered up this tariff "big berth" gun and the business men begin to understand how their lives and profit are in the hollow of his hands, the psychology of fear will again possess them and that fear will again be transferred through the business men and their advertisement to the public press, to the radio, to the movies, and to every other means of information the people have to the end that only his praises and the praises of the "slippery deal" will be the monotonous subject of their ballads. God help us.

Mr. President, the power to raise or lower the duties 50 percent amounts in actual practice to a complete surrender of the tariff-making power ordinarily exercised by Congress. More than 50 percent would amount to an embargo, and less than 50 percent would reduce a high protective tariff to the revenue basis of the Underwood Tariff of 1914. Therefore, the White House demanded on March 3, the closing day of the first year of the new dynasty, the powers that had been given him by the last Congress be made permanent and further demanded more powers, including the delegation of the tariff-making powers of Congress to the White House in indirect violation of article I of the Constitution. That is an issue which we are called to meet with our votes in the ides of November—the question of whether the people want the revenue power of government in the hands of their representatives or in the hands of a single ruler. The votes of a majority of this Congress can repeal but if His Majesty refuses to sign such a repeal, it would require two-thirds vote to override.

One point more—and one of the most vital of all if government by the people is not to perish in America. The chief advantage enjoyed by the American Republic, as against the ancient republics, is this—that we have the public press.

This is what the new dictatorship is doing to throttle an independent press. With this tariff power he can continue to make those who might oppose, fear him, and can continue to use to his ultimate purpose the established censorship under the "National Ruin Act."

First. There are 23 N.R.A. price-boosting codes raised over the materials and machinery necessary to the publishing industry.

Second. There are 400 codes on industries that advertise. The publisher is required to boost the N.R.A. and the Washington policy, or he may be deprived of advertising to support his newspaper.

Third. A drastic press censorship is in the offing by Federal control of telegraphic communications, press dispatches, and radio broadcasts.

Fourth. The press code has been installed, and the demand of editors to include therein the Constitution guaranty against abridging the freedom of the press is refused by the President on the ground that his word is enough, and that the provisions of article I have no more to do with the case than the Ten Commandments. His word stands above the Constitution!

Fifth. The White House has bought, through the R.F.C., the preferred stocks of 5,650 banks to the amount of \$910,000,000, and these 5,650 banks control the loans and credits and securities of a large share of the dailies and magazines of America.

In the extra session the President secured from Congress and from the judiciary 77 powers. This session there has been a constant passage of bills, every one a little dictatorship, every one containing some secret clause that gives him censorship of the freedom of speech; and if all this fails,

he has the power of the Internal Revenue office and is using it to further coerce his censorship.

I am told that a great magazine, one of the greatest in the country, because of its policy of free speech became obnoxious to His Majesty. Whereupon this was so conveyed to the publisher. The publisher did not desist and came back to his office to find revenue men in his office searching his files. This same thing, I am told, happened to a great Chicago newspaper and also to a great New York newspaper.

You may recall that Mussolini—who was financed by Wall Street money to the extent of \$100,000,000—was not able to destroy the independence of 7,000 self-governing communes and make them directly subservient to his despotic will, until he had established the drastic press censorship of January 1, 1925.

That issue—the preservation of article I of the American Bill of Rights, against “abridging freedom of speech or of the press”—is now before us here in America. And the same financiers who financed Mussolini are behind the new dictatorship here—which demands that the revenue power of government, the press censorship, the secret gold power, the suspension of the antitrust laws, the suspension of the constitutional guaranty of government by the people shall be transferred to the White House.

It is the old deal of 4,000 years—the Fascisti program of one-man rule—dressed up and advertised by a “brain trust” of New York “yes” men, that you now face under the name “new deal.”

The issue of the hour is the recovery of the Republic to the ideals of Washington and Jefferson, of Lincoln and Theodore Roosevelt—that government of the people, for the people, and by the people may not perish from the earth.

In closing permit me to call your attention to the following:

First. A press-censorship act was put on the statutes of my State to curb freedom of the Minnesota press until declared unconstitutional by a higher court as a violation of article I of the American Bill of Rights.

Second. The recent radio censorship, as I pointed out to the Senate committee investigating the subject, was imposed following the radio broadcast of Col. Charles Lindbergh giving the public the text of his letters to the White House and Secretary of War. It was an attempt to keep the truth regarding arbitrary and dictatorial Executive action from getting to the press.

Third. A so-called “M.R.A.”, patterned on the Federal N.R.A., was attempted in my State, but the Minnesota State Legislature would not stand for an imitation “Brigadier” Johnson, or Olson, cracking down on the people of Minnesota after the style of Mussolini.

The “brain trusters” boast that their “revolution” has taken place and that all it will need is to be made permanent, and it can be made permanent if constant censorship of means of information to the people can be maintained.

Let us hope the vote is cast by the folks at home; that little “brain trust” hatched within a stone's throw of Wall Street will have just as much effect upon the destinies of this Republic as the shrieking of a bunch of parrots. This is not Italy. It is not Russia. It is not the New York Stock Exchange with a hired crew of shouting brokerage clerks. This is the United States of America—“an indissoluble Union of indestructible States!”

I am calling this to the attention of the Judiciary Committee, which should report out my resolution 248, and a committee should be appointed to be on the job here between Congresses to keep track of every violation of freedom of the press, every attempt to threaten publishers or editors for printing the truth, every attempt to withdraw advertising from publications that tell the truth, every attempt by department heads to refuse public information to representatives of the people.

#### MENACE OF SOCIALISM

Recently there was mailed me a pamphlet entitled “The Menace of Socialism.” The author of the pamphlet is

Charles Hall Davis, of Petersburg, Va., who is an authority on our Constitution.

The pamphlet is documented and well proves the following thesis:

The United States asserts the inalienable sovereignty of man over government. Socialism asserts the indefeasible sovereignty of government over men.

The United States stands for the supreme rights of the individual, save to the extent that the governed consent to exercise certain of those rights in accordance with the community will. Socialism stands for the supremacy and sovereignty of a so-called “community will” (but really of a class will) in all respects.

The United States stands for theism, for a belief in, a recognition of, and a dependence upon an Almighty God, possessing intellectual, ethical, and spiritual faculties and characteristics. The socialist school of thought stands for atheism.

The Menace of Socialism includes those chapters of Mr. Davis' unpublished book, A New Federal Bill of Rights, that refer to socialism, communism, and all the other “isms” that tend to make the unthinking doubt the permanent value and greatness of the American plan of government.

In the pamphlet there are a series of foot lines—not foot-notes—that in their total and in their sequence are so impressive that I consider it important to place them permanently before the Nation in the CONGRESSIONAL RECORD.

There are 22 such foot lines, reading as follows:

1. The American theory and plan of government is one whereby man can govern himself without a master.
2. Under the American theory of government, each human being has been directly endowed by the Creator with certain inalienable rights.
3. Holding his rights under the supreme title of a gift from the Creator, he cannot be divested of them nor restrained in their use by any lesser authority, save by his own consent.
4. The purpose of American Government is ordered liberty for the individual, that is, to secure each individual in the exercise of his rights, subject to a like right of every other individual to exercise similar rights, and subject to individual liability for their abuse.
5. To secure ordered liberty, the individuals consent that certain of their inalienable rights shall thereafter be exercised in conformity with regulations or laws approved by a majority of the people.
6. Certain rights are so individual and personal that they are not to be exercised according to the community or majority will; such as the right to worship God as one pleases. These inalienable individual rights are withheld from governmental regulation or control, usually by a bill of rights.
7. In order to enforce the exercise of the agreed rights under regulations or laws approved by the majority of the community, the people create an agent or servant known as “government” and delegate to it the right to administer such of their sovereign powers as they deem necessary to carry out their purposes.
8. Individual liberty in America is the sum of the inalienable individual rights withheld from governmental control.
9. Political liberty in America is correctly defined as individual liberty plus the sum of the limitations on the governmental agent, plus the sum of the safeguards assuring the sovereignty of the people over the government.
10. To the extent that government control is extended over rights previously withheld from its regulation, individual liberty is reduced.
11. As the sum of the limitations on government is reduced, political liberty is lessened.
12. When the safeguards assuring the sovereignty of the people over government are discarded, both individual and political liberties disappear.
13. The rights of man and the value of citizenship depend upon the maintenance of the sovereignty of the people over their governmental agents.
14. The rights of man can be preserved only if government is always relegated to its true position of servant and agent.
15. Tyranny and despotism on the part of government can be defeated only by imposing limitations on the powers of the governmental agent.
16. Limitations cannot be imposed and enforced by the people on any government unless the governmental powers are derived from the people.
17. Limitations cannot be imposed on a government where the people act directly, as in a pure democracy; for no higher power exists which can control any specific exercise of their irresistible will.
18. The only form of government upon which limitations can be imposed and enforced by the people is a representative government where the government agent is the creation and servant of the people.
19. The people as sovereigns and as creators of the governmental agent can at any time enlarge, restrict, or abolish the powers of government, or establish such new governmental agencies as they desire.
20. The people can at any time change the Constitution of the United States as they desire; and under its terms a method of orderly change is provided so as to avoid the necessity for revolution.



21. Neither the governmental agent nor any branch of it can, under any circumstances, extend, restrict, discard, or violate the constitutional limitations upon its powers without destroying liberty.

22. It is hopeless to attempt to improve the American plan by grafting on it the principles of despotic government, to defeat which it was created.

Mr. President, apropos of the above thesis, I wish to read my letter of May 31, 1934, to Governor Olson, of Minnesota:

WHO WILL PAY THE FIDDLER?

MAY 31, 1934.

Gov. FLOYD B. OLSON,  
State Capitol, St. Paul, Minn.

DEAR GOVERNOR OLSON: The platform on which you seek re-election reads, "We demand public ownership of all mines, water power, transportation, and communication, banks, packing plants, factories, and all public utilities."

Press report of your speech while the platform committee was in prolonged session indicates that you were the inspiration, if not the prime mover, of the above program. Your speech carries the phrases, "ownership of packing plants", "ownership of grain elevators", and "ownership of iron mines." Regarding the latter, you advised the convention: "The State of Minnesota can sell iron ore direct to the Government of the United States."

That you were the inspiration of the factory idea is shown by that chapter of your speech in which you suggested that the Government "set up industries to be operated by the unemployed for the purpose of manufacturing articles commonly used by people, such as overcoats, shoes, and hand goods and things of that kind, and so we will have and I predict it will come in the not distant future before the summer is over, if you please."

It seems that many Farmer-Labor delegates objected to public ownership of factories, and indeed a majority by a vote of 310 to 253 referred the platform back to the committee for rewriting. But your speech seems to have turned the scale, and the platform came back with your phrases in it—"factory", "packing plants", "mines", along with banks, public utilities and means of transportation and communication.

You have no public funds for this investment. What is your estimate of the total Minnesota investment in mines, banks, factories, railways, public utilities, water powers, grain elevators—in short, the total of industrial, public-utility, mine, and financial institutions of the State?

Your total investment—without funds—may reach 10 billions. Who will buy your bonds? Minnesota institutions and financial people able to buy bonds, you are putting out of business.

Interest charges on this investment may reach several hundred millions a year in taxes. Who will pay the taxes? The people who pay the bulk of the taxes, you are putting out of business.

You speak of using the unemployed to run your manufacturing. Will you run your public utilities, banks, mines, elevators, packing plants, and railroads with the unemployed?

Even with the highest class of skilled labor under the direction of expert engineers and managers, these industrial, utility, and financial institutions are having a keen struggle to show a ledger balance. What will happen to that ledger balance, when you and your office-seekers become the managers and the institutions become a political sanctuary for the unemployed?

Who will stand the losses? Who will pay the fiddler?

The banks which you propose to retire from business carried in December 1932, and possibly at this time, approximately \$500,000,000 of deposits.

Let us suppose, for the sake of argument, that the voters of Minnesota in November elect a legislature committed to your project of public ownership and operation of banks.

Those banks are worthless without the \$500,000,000 of deposits. What will happen to those deposits between election day in November and the opening of your legislative session in January?

Are the 800,000 bank depositors of Minnesota going to wait until you and your officeholders get your clutches on their savings? You know they will not.

Perhaps a month before you read your confiscatory message to the legislature—assuming that you are elected and a socialistic legislature is elected—the \$500,000,000 of Minnesota bank deposits will have been withdrawn. For bank depositors need their savings to carry on their legitimate business, pay their bills and taxes, pay wages and rents and mortgages, buy food and coal and clothes and machinery.

Bank depositors do not save their earnings for politicians to gamble with in socialistic experiments.

Those \$500,000,000 will be withdrawn before Christmas—a week before you make your confiscatory "spiel." And then—what will your banks be worth—suppose the courts allow you to take over the banks? Those banks will be worth just the value of the office fixtures, minus the liabilities.

You will have acquired for all your labor in producing your cooperative commonwealth, on paper: First a thousand lawsuits; second, a huge liability total; third, a hundred warehouses full of second-hand office fixture. And your cooperative commonwealth will start in with just one "busted" enterprise, and that a second-hand junk shop.

Incidentally, you will have paralyzed what little business of Minnesota the "national ruin act" has left, and made yourself the laughing stock of the country. You will be popular, perhaps, in Moscow. You may be popular with the underworld of the big cities—the slums and Chinatowns that cast no votes.

What will be the effect on the people of Minnesota? What will your experiment do to Minnesota labor and capital—the homes and the farms, the mills and stores and mines? What class of people will your experiment drive from the State? What class of people will your experiment invite to the State?

You will make Minnesota the mecca of all the followers of Karl Marx in America. You will invite the Marx element from foreign lands. You will make Minnesota sought by racketeers, bank robbers, kidnapers, even in greater numbers than during your administration of the past 2 years.

Bank insurance in Minnesota is already at higher rates than in most of the States of the Union—as an aftermath of the crime wave of the years of your administration. Minnesota bank-insurance rates have risen—as the prices of farm products have fallen.

Racketeers have done a thriving business—as farmers and wage earners, industries and trade have suffered. What will happen to the crime wave, on the one hand, and legitimate industry on the other, when your strong-arming racket destroys the banking resources of the State? Who will buy your bonds? Who will pay your taxes? Can you depend upon the Dillingers?

Your one safeguard is this—the people of Minnesota will never elect for you a State legislature pledged to wreck the State by a socialistic gambling experiment at the expense of 800,000 bank depositors.

Those 800,000 voting depositors of Minnesota banks constitute a two-thirds majority of Minnesota's voting electorate. They are not going to vote for their own destruction.

It is doubtful if you carry a majority even of the Farmer-Labor Party of Minnesota for your mad project. The vote of 310 to 253 in your convention—to say nothing of the working rank and file in the work shops and on the farms—demanded that your socialistic program be sent back to the platform committee for revision. They balked on the word "factory." They will balk on the word "banks" as soon as they read your platform. They will balk on railroad ownership and operation by your bureaucratic group when you ask them to put up \$500,000,000 to take over Minnesota's 30 railroads—and most of these roads under Federal control.

They will balk on the proposition of taking over 500 mines owned and operated by interstate corporations—also under Federal control.

But suppose, as a fairy tale come true, that you did put over the whole socialistic venture. Suppose you floated, with the aid of Moscow and the Al Capone millionaires, your ten billions of bonds? Then who will be your taxpayers to shoulder your crushing interest burden and your army of officeholders to run the industries, utilities, financial institutions of the State? You have put the biggest taxpayers out of business.

In the past 20 years the railroads, mines, telephone, telegraph, insurance, and kindred corporations have paid into the State treasury in special taxes something like \$300,000,000.

When you came into the Governor's office these companies which you propose to put out of business were contributing something like \$15,000,000 to \$20,000,000 a year to support the public schools and other State institutions. And you propose to stop it all.

You propose to abolish the principal taxpayers, and then load up the State with a mountain of debt and crush the enterprise that developed the State and upon which the State depends for economic existence—yea, for political existence.

It was said of an imperial regime in ancient history: "They made a desert and called it peace."

Your ambition is to make a junk shop and call it prosperity.

You are safe only in this—that the people of Minnesota believe that even in politics there is such a thing as common sense and common honesty. They will never vote you the powers of a Mussolini to destroy their Commonwealth.

Cordially yours,

THOS. D. SCHALL.

It might be well to have in mind and before us at this point the Minnesota Republican platform adopted at the convention on April 13, which I place in the RECORD.

There being no objection, the platform was ordered to be printed in the RECORD, as follows:

#### PLATFORM ADOPTED BY MINNESOTA REPUBLICANS

(Following is the complete text of the platform adopted Friday by the Minnesota Republican Party.)

#### PREAMBLE

We, the representatives of the Republican Party in the State of Minnesota, in convention assembled, renew our pledge to the principles and traditions of our party and our constitutional form of government, and dedicate it anew to the service of our State and the Nation.

We, as a party, mindful of our responsibilities and the purposes and safeguards of our Constitution, are unalterably opposed to any proposal or movement that embraces socialism or communism and that by guile and Utopian promises would enforce regimentation of our people, destroying their birthright, invading the inherent and inalienable rights and privileges vouchsafed to them in the achievements of 150 years of constitutional government.

The issue has now and at last been definitely and openly raised in Minnesota by the Farmer-Labor Party in its positive declaration in favor of the Marxian theory of the public ownership of all means of production and distribution. We accept that challenge and call upon the people of our State, irrespective of their political affiliations, to unite in opposition to this alien doctrine

so destructive of all individual effort and initiative and the right to own property.

We recognize the existence of unrest and discontent which have arisen as the result of a world-wide depression, but believe that there is no condition so serious but can be corrected in an orderly way under our present form of government.

This convention pledges to the people of Minnesota a progressive course of action and offers the following statement of principles:

#### PRIVATE OWNERSHIP

We stand for the private ownership of property as the basis of our economic system. This means the ownership of the home, the farm, business, and industry. We further believe that the right to such ownership should belong to the individual and not to the State. The individual should be protected by the orderly processes of government in such ownership, and oppose concentration and centralization in the hands of a few. We demand strict regulation of all public utilities.

#### ECONOMY

Although our counties, townships, school districts, and other municipal subdivisions have uniformly decreased the operating cost of government, the cost of State government under the present administration has steadily mounted until the State levy is now far greater than in any other period of our history. We condemn the present wasteful and rising cost of our State government and pledge a determined and consistent course of action in the reduction of State expenditures.

#### TAXATION

Our antiquated system of taxation has grown so burdensome as to confiscate many homes and farms. We urge that the taxing system of Minnesota be completely revised and reconstructed to the end that the tax burden be justly and equitably distributed. That the object of such revision should be to eliminate the tax burden on the home owner, farm owner, and real estate.

#### AGRICULTURE

We demand the American market for the American farmer, by embargo on products produced in excess of domestic consumption, and we urge Congress to enact adequate laws for agricultural protection, and insist further that a tax of at least 5 cents a pound be placed upon all imported vegetable and animal fats and oils.

We demand lower interest rates on farm credit and insist that the farmers and home owners of the State of Minnesota are entitled to receive as low a rate of interest as is now enjoyed by industry and finance.

We favor the continued development of true cooperative marketing organizations.

#### ST. LAWRENCE

We again pledge to the people of Minnesota our support of the construction of the St. Lawrence deep waterways canal.

#### CONSERVATION

We demand the conservation and restoration of the great natural resources of Minnesota and the elimination of politics in their administration. Our forests, waters, minerals, game, and fish belong to all the people and should be safeguarded from private and political exploitation. We demand a strict adherence to the spirit and letter of our conservation laws and vigorously oppose any illegal diversion of conservation funds. In conservation projects we demand that all parts of the State receive fair and equitable consideration.

#### LABOR

We believe in the principle of high wages and the restoration of the purchasing power of the working man. We favor the principle of a shorter work week and the shorter work day, with its application to government as well as to private industry, as rapidly and as constructively as conditions will warrant.

The State should encourage industry to locate and remain in Minnesota to the end that labor may be well employed and the products of the farm find ready home market.

We believe that in the future to avert a recurrence of present conditions as to unemployment some form of adequate insurance must be adopted.

#### LIQUOR

We deplore the unsatisfactory administration of the present law controlling and regulating the sale of intoxicating liquor in this State. We pledge ourselves to an adequate and effective control of the sale and distribution of intoxicating liquor and its separation from the influence of politics.

#### LAW AND ORDER

The preservation of law and order is the first duty of an enlightened government to its people. Every citizen is entitled to this elementary protection of his person, his family, his home, and his property.

We charge the Farmer-Labor regime with responsibility for the growing disrespect for law and order in our State and for the humiliating crime conditions now existing there.

We recommend that adequate modern facilities and equipment be provided to all police officers. We further urge that the statutes of the State relating to criminal procedure be amended to insure prompt and effective trial of all gangsters, racketeers, kidnapers and other criminals.

We favor establishment of a State-wide police system which shall utilize, coordinate, and expand the existing local peace

agencies, the State highway patrol, and the State bureau of criminal apprehension; provided, however, that the power of any State police shall be strictly limited, by statute, so as not to extend to labor disputes.

#### INSURANCE

We are opposed to endangering the stability of insurance by placing the business thereof under political manipulation and control through State ownership and operation, and we believe that the present private and mutual agencies, properly regulated, can most efficiently meet the insurance needs of the people.

#### EDUCATION

The greatest safeguard of liberty is a stable and free system of public education. We favor academic freedom and are unalterably opposed to placing the control and publication of our school textbooks in the hands of the State or under the control of any political party.

We further declare in favor of the continuance of the present teachers tenure law.

We further demand that the educational and other public trust funds of the State should be safeguarded from dissipation.

#### ELECTIONS

We favor and demand the immediate enactment of a law to provide for the election of all members of the State legislature with party designation.

#### VETERANS

The Republican Party is proud of the part it has played in giving to the soldiers of the State recognition for their services and relief for themselves and dependents. We trust that the national administration will as fully recognize its responsibility to the veteran. We fully appreciate the continuing obligation of the State to all disabled veterans and the duty of a just and fair policy in our attitude toward the ex-service man.

#### PEACE

We are a people devoted to the arts of peace. In the final analysis no nation has ever profited by war. Individuals have. To take away the incentive of private gain as a cause for war, we recommend that not only man power but all resources be drafted to the service of the country in any future conflict.

#### FREE SPEECH

We believe that freedom of speech, press, and assemblage are fundamental principles upon which our form of government rests. These vital principles should be preserved and protected.

#### RELIEF

Relief in time of emergency should be given to the needy without regard to party affiliation. The distribution of relief should take the form of giving to the recipient the opportunity of entering into legitimate employment whenever possible.

#### HIGHWAYS

The construction and maintenance of highways involves an enormous sum of money and places a severe burden upon owners of motor vehicles. All bids for construction work should be made in strict conformity with law without prejudice or favoritism rather than by Executive order. We advocate the employment of local labor on all public works.

#### APPOINTMENTS

Honesty demands that an appointment to public office should be given to the individual best qualified for the position, and his continuance in office should not depend in any respect upon his willingness or unwillingness to contribute to the campaign funds of any political party.

#### CONCLUSION

In conclusion, it is our purpose and task and we pledge ourselves as a party, fully awake to present obligations and responsibilities, by resolute leadership and a determined policy, to assist in bringing to the people of Minnesota a representative government of its affairs, founded upon the principles which secure to the individual the inherent and inalienable right to life, liberty, and the pursuit of happiness.

#### DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H.R. 9830) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes.

**THE PRESIDING OFFICER.** The next amendment reported by the committee will be stated.

The next amendment was, on page 86, after line 25, to strike out "The Reconstruction Finance Corporation is authorized to buy any bonds or other obligations issued by beneficiaries of grants from the Federal Emergency Administration of Public Works, for the purpose of construction, financed in whole or in part by such administration;" and in lieu thereof to insert:

The Reconstruction Finance Corporation is hereby authorized to purchase marketable securities, satisfactory to said Corporation, acquired or to be acquired by the Federal Emergency Administra-



tion of Public Works, and any sums paid for such securities shall be available to said Federal Emergency Administration of Public Works for the making of additional loans (but not grants) under the provisions of title II of the National Industrial Recovery Act: *Provided*, That the amount that the Reconstruction Finance Corporation may have invested at any one time in such securities shall not exceed \$250,000,000. The amount of notes, debentures, and bonds or other such obligations which the Reconstruction Finance Corporation is authorized and empowered to have outstanding at any one time pursuant to section 9 of the Reconstruction Finance Corporation Act, as amended, is hereby increased by the sums necessary for these purchases, not to exceed \$250,000,000.

The amendment was agreed to.

The next amendment was, on page 87, line 25, after the word "repealed", to insert "insofar as said act applies to enrollees in the Civilian Conservation Corps,"; and on page 88, line 7, after the word "to", to strike out "employees" and insert "such enrollees", so as to read:

Section 3 of the act entitled "An act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933 (48 Stat. 22), is hereby repealed, insofar as said act applies to enrollees in the Civilian Conservation Corps, and in lieu thereof the provisions of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U.S.C., title 5, ch. 15), are hereby made applicable to such enrollees under the said act of March 31, 1933, to the same extent and under the same conditions as is provided for employees of the Federal Civil Works Administration in the act entitled "An act making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, for continuation of the Civil Works program, and for other purposes", approved February 15, 1934 (Public, No. 93, 73d Cong.).

The amendment was agreed to.

The next amendment was, at the top of page 89, to insert:

#### PETROLEUM ADMINISTRATION

For administering and enforcing the provisions of section 9 (c) of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), and the Code of Fair Competition for the Petroleum Industry approved pursuant to the authority of said act, and for other purposes relating to the regulation of commerce in petroleum, to be allocated by the President, and to include necessary personal services in the District of Columbia and elsewhere without regard to the civil-service laws and regulations, traveling expenses, rent, and not to exceed \$2,750 for books and periodicals, not to exceed \$48,000 for the purchase, hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, not to exceed \$20,000 for the maintenance, operation, and repair of four motor boats, and not to exceed \$60,000 for a survey of the effect of the code on labor conditions in the petroleum industry, fiscal year 1935, \$2,096,000.

The amendment was agreed to.

The next amendment was, under the subhead "Department of Agriculture", on page 90, line 5, after the word "section", to strike out the colon and the following proviso: "*Provided*, That any funds allocated under the provisions of section 204 (a) (2) of such act shall also be available for the cost of any construction that will provide safer traffic facilities or definitely eliminate existing hazards to pedestrian or vehicular traffic", so as to read:

#### DEPARTMENT OF AGRICULTURE

For the purpose of increasing employment by providing for emergency construction of public highways and other related projects, fiscal year 1935, \$100,000,000, to remain available until expended, which sum shall be apportioned by the Secretary of Agriculture immediately upon the enactment of this act under the provisions of section 204 of the National Industrial Recovery Act, approved June 16, 1933 (in addition to any sums heretofore allocated under such section), to the highway departments of the several States to be expended by such departments pursuant to the provisions of such section.

The amendment was agreed to.

The next amendment was, on page 90, after line 9, to strike out:

For the purpose of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there are hereby authorized to be appropriated the following sums, to be expended according to the provisions of such act as amended: The sum of \$100,000,000 for the fiscal year ending June 30, 1936; the sum of \$100,000,000 for the fiscal year ending June 30, 1937: *Provided*, That 50 percent of the sum apportioned to each State from the appropriation herein authorized for the fiscal year 1936 may be expended without requiring any

contribution on the part of such States and the remaining 50 percent of the sum apportioned for the fiscal year 1936, and all of the apportionment of the appropriation authorized for the fiscal year 1937, shall be matched by the States in accordance with the provisions of the Federal Highway Act, as amended and supplemented: *Provided further*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of the foregoing authorizations and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto: *Provided further*, That no deductions shall be made from the appropriations authorized in this paragraph on account of prior advances and/or loans to the States for the construction of roads under the requirements of the Federal Highway Act.

The amendment was agreed to.

The next amendment was, on page 91, line 13, to insert the following proviso: "*Provided*, That such sum shall be expended in accordance with the terms of H.R. 8781, an act entitled 'An act to increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes', as finally enacted by the Senate and House of Representatives."

Mr. HAYDEN. Mr. President, I move to amend the committee amendment on page 91 by the amendment in the nature of a substitute, which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. On page 91, in lieu of the committee amendment, it is proposed to insert:

And which sum is a part of \$200,000,000 authorized to be appropriated by section 1 of House bill 8781 as finally enacted by the Senate and House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The next amendment of the Committee on Appropriations was, on page 91, line 23, after the figures "1935" to strike out "\$6,730,000; and for such purposes there are hereby authorized to be appropriated, the following additional sums: \$10,000,000 for the fiscal year ending June 30, 1936; and \$10,000,000 for the fiscal year ending June 30, 1937; all" and insert "\$10,000,000", so as to read:

For the purpose of carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, fiscal year 1935, \$10,000,000, to remain available until expended in accordance with the provisions of such section 23.

The amendment was agreed to.

The next amendment was, on page 92, line 12, after the figures "\$2,500,000" to strike out "and for such purposes there are hereby authorized to be appropriated the following additional sums: \$2,500,000 for the fiscal year ending June 30, 1936; and \$2,500,000 for the fiscal year ending June 30, 1937; all", so as to read:

For the purpose of carrying out the provisions of section 3 of the Federal Highway Act, approved November 9, 1921, as amended June 24, 1930 (46 Stat. 805), for the survey, construction, reconstruction, and maintenance of roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, fiscal year 1935, \$2,500,000; to remain available until expended.

The amendment was agreed to.

Mr. HAYDEN. Mr. President, on behalf of the committee I offer a further amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 92, after line 17, it is proposed to insert, as a center head, "Department of Interior."

The amendment was agreed to.

The next amendment was, on page 92, line 24, after the word "amended", to strike out "there is hereby authorized to be appropriated the sum of \$5,000,000 for the fiscal year ending June 30, 1936, and the sum of \$5,000,000 for the fiscal year ending June 30, 1937; all" and insert "fiscal year 1935, \$7,500,000", so as to read:

For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the act of January 31, 1931 (46 Stat. 1053), as amended, fiscal year 1935, \$7,500,000, to remain available until expended:

The amendment was agreed to.

The next amendment was, on page 93, line 4, after the word "expended" to insert a colon and the following proviso: "Provided, That the location, type, and design of all roads and bridges shall be approved by the Bureau of Public Roads before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of said Bureau."

The amendment was agreed to.

The next amendment was, on page 93, line 11, after the figures "1935" to strike out "\$2,000,000; and for such purposes there are hereby authorized to be appropriated the following additional sums: \$2,000,000 for the fiscal year ending June 30, 1936; and \$2,000,000 for the fiscal year ending June 30, 1937; all" and insert "\$2,000,000", so as to read:

For the construction and improvement of Indian reservation roads under the provisions of the act approved May 26, 1928 (45 Stat. 750), fiscal year 1935, \$2,000,000, to remain available until expended.

Mr. HAYDEN. On behalf of the committee, I move to strike out "\$2,000,000" and insert "\$4,000,000."

Mr. CLARK. Mr. President, I should like to have an explanation of that amendment.

Mr. HAYDEN. The amendment is proposed to conform to the Road Act, which has passed both Houses of Congress, and now awaits the signature of the President.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 93, line 15, it is proposed to strike out "\$2,000,000" and insert "\$4,000,000."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 93, line 16, after the word "expended", to insert a colon and the following proviso: "Provided, That the location, type, and design of all roads and bridges shall be approved by the Bureau of Public Roads before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of said Bureau."

The amendment was agreed to.

The next amendment was, on page 93, after line 20, to insert:

The President may also, from the funds made available under this title, make allotments for the construction, repair, and improvement of public highways not to exceed the following sums: In the Virgin Islands \$250,000, in Alaska \$1,500,000, in Puerto Rico \$1,000,000.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department, Office of the Secretary", on page 95, line 5, after the word "of", to strike out "\$9,000" and insert "\$10,000", so as to read:

#### TREASURY DEPARTMENT OFFICE OF THE SECRETARY

Salaries, Office of the Secretary of the Treasury: For an additional amount for salaries, Office of the Secretary of the Treasury, under the authority contained in sections 512 and 513 of the Revenue Act of 1934, creating the Office of General Counsel for the Department of the Treasury, and authorizing the Secretary of the Treasury to appoint and fix the compensation of 5 assistants at rates of compensation of not to exceed \$10,000 per annum; including necessary traveling expenses, the temporary employment of experts, and the payment of actual transportation and subsistence expenses to any person whom the Secretary of the Treasury may from time to time invite to the city of Washington or elsewhere for conference and advisory purposes in furthering the work of the Department, fiscal year 1935, \$100,000: *Provided*, That the unexpended balances of appropriations now available for expenditure by the Treasury Department, and appro-

priations for such Department for the fiscal year 1935, to the extent applicable to the legal activities of the Department as constituted prior or subsequent to the enactment of the Revenue Act of 1934, shall be available, during the fiscal year for which appropriated, for expenditure, under the direction of the Secretary, to carry out the provisions of section 512 of said act: *Provided further*, That, with the exception of any office the rate of compensation for which is specifically fixed by the terms of section 512, the lawful rate of compensation of any other office or position provided for by sections 512 and 513 of the Revenue Act of 1934 shall not be in excess of \$10,000.

The amendment was agreed to.

The next amendment was, on page 96, line 3, after the word "of", to strike out "1933 and" and insert "1933"; in line 4, after the figures "1934", to insert a comma and "and Silver Purchase Act of 1934"; on page 97, line 1, after the figures "1933", to insert "for any purpose in connection with carrying out the Silver Purchase Act of 1934"; and in line 3, after the figures "1935", to strike out "\$3,000,000" and insert "\$4,500,000", so as to read:

Expenses, Emergency Banking Act of 1933, Gold Reserve Act of 1934, and Silver Purchase Act of 1934: For any purpose in connection with the carrying out of the provisions of any Executive orders and proclamations regarding the bank holiday, any regulations issued thereunder, and the provisions of the Emergency Banking Act, approved March 9, 1933 (48 Stat. 1), the Gold Reserve Act of 1934, approved January 30, 1934 (Public, No. 87, 73d Cong.), and section 3653 of the Revised Statutes, including costs of transportation, insurance, and protection of gold coin, gold bullion, and gold certificates transferred to Federal Reserve banks and branches, United States mints and assay offices, and the Treasury, after March 9, 1933; losses sustained by Federal Reserve banks due to abrasion of gold coin, and reimbursement to Federal Reserve banks and branches for expenses incurred by them in carrying out instructions issued by the Secretary of the Treasury after March 4, 1933; and to cover any deficiency in the accounts of the Treasurer of the United States, including interest, as authorized by the act of March 26, 1934 (Public, No. 129, 73d Cong.), arising out of the arrangement approved by the President on July 27, 1933; for any purpose in connection with carrying out the Silver Purchase Act of 1934, fiscal year 1935, \$4,500,000, to be expended under the direction and in the discretion of the President and to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Internal Revenue", on page 98, line 5, after the word "business", to insert a colon and the following proviso: "Provided, That no part of the appropriation made herein or heretofore made for the fiscal year 1935 shall be used to pay the salary of any person formerly employed as investigator, special agent, senior warehouseman, deputy prohibition administrator, agent, assistant attorney, assistant prohibition administrator, senior investigator, deputy production administrator, storekeeper or gauger, or any other position in the Prohibition Bureau or Alcoholic Beverage Unit, Department of Justice, who was separated from the service of such Bureau or Unit between June 10, 1933, and December 31, 1933, while in any such position in the Treasury Department, unless and until such person shall be appointed thereto as a result of an open, competitive examination to be hereafter held by the Civil Service Commission", so as to read:

#### BUREAU OF INTERNAL REVENUE

Collecting the internal revenue: For an additional amount for expenses of assessing and collecting the internal-revenue taxes, including the same objects specified under this head, and under the head "Salaries and expenses, Bureau of Industrial Alcohol", in the Treasury Department Appropriation Act, 1935, and including so much as may be necessary for the compensation of one additional deputy commissioner, to be immediately available, \$10,000,000; of which not to exceed \$800,000 may be expended for personal services in the District of Columbia, and not to exceed \$71,250 for the purchase of passenger-carrying automobiles to be used on official business: *Provided*, That no part of the appropriation made herein or heretofore made for the fiscal year 1935 shall be used to pay the salary of any person formerly employed as investigator, special agent, senior warehouseman, deputy prohibition administrator, agent, assistant attorney, assistant prohibition administrator, senior investigator, deputy production administrator, storekeeper or gauger, or any other position in the Prohibition Bureau or Alcoholic Beverage Unit, Department of Justice, who was separated from the service of such Bureau or Unit between June 10, 1933, and December 31, 1933, while in any such position in the Treasury Department, unless and until such person shall be appointed thereto as a result of an open, competitive examination to be hereafter held by the Civil Service Commission.



Mr. McKELLAR. Mr. President, I propose an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 98, line 5, after the word "that", to insert the words "after October 1, 1934."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 99, to strike out:

PROCUREMENT DIVISION, PUBLIC WORKS BRANCH

Public buildings: For emergency construction of public-building projects outside of the District of Columbia (including the acquisition, where necessary, by purchase, condemnation, exchange, or otherwise, of sites and additional land for such buildings; the demolition of old buildings where necessary and the construction, remodeling, or extension of buildings; rental of temporary quarters during construction, including moving expenses; purchase of necessary equipment for buildings and such additional administrative expenses and salaries as may be required solely for the purpose of carrying out the provisions of this paragraph), \$65,000,000; such projects, including the sites therefor, to be selected by the Secretary of the Treasury and the Postmaster General, acting jointly, from the public-building projects specified in Statements Nos. 2 and 3, incorporated in House Report No. 1879, Seventy-third Congress, pages 24 to 40, inclusive, and projects selected shall be carried out within the respective estimated or proposed limits of cost specified in such statements, except as such limits are authorized to be modified by the provisions of the next paragraph: *Provided*, That with a view to relieving country-wide unemployment the Secretary of the Treasury and the Postmaster General, in the selection of towns or cities in which buildings are to be constructed, shall endeavor to distribute the projects equitably throughout the country so far as may be consistent with the needs of the public service; and the Secretary of the Treasury and the Postmaster General may also select for prosecution under this appropriation such projects not included in such report as in their judgment are economically sound and advantageous to the public service: *Provided further*, That the Secretary of the Treasury is authorized to direct the preparation of all sketches, estimates, plans, and specifications (including supervision and inspection thereof), and to enter into all contracts, necessary for carrying out the purposes of this paragraph, and he is hereby authorized, when deemed by him desirable and advantageous, to employ, by contract or otherwise, temporary professional, technical, or nontechnical employees, firms, or corporations, to such extent as may be required to carry out the purposes of this paragraph, without reference to civil-service laws, rules, and regulations, or to the Classification Act of 1923, as amended, or to section 3709 of the Revised Statutes of the United States: *Provided further*, That in the acquisition of any land or sites for the purposes of Federal public buildings and in the construction of such buildings provided for in this paragraph, the provisions of sections 305 and 306 of the Emergency Relief and Construction Act of 1932, as amended, shall apply.

In order to permit the Secretary of the Treasury to enter into contracts when the bid of the lowest responsible bidder received in response to public advertisement exceeds the amount available for any project selected under the preceding paragraph and/or for projects for which allotment has been heretofore, or may hereafter be, made to the Treasury Department for public buildings construction by the Federal Emergency Administration of Public Works (which allotments shall remain available for the execution of the projects concerned unless released by the Secretary of the Treasury), there shall be made available by the Federal Emergency Administration of Public Works an additional sum of \$2,500,000 out of any unobligated funds under the control of such administration, which total sum shall be transferred immediately upon the enactment of this act to the Treasury Department and, when approved by the President, may be used in the discretion of the Secretary of the Treasury to enter into contracts for public buildings in an amount not exceeding, in any one case, 10 percent in excess of the amount available therefor.

The amendment was agreed to.

The next amendment was, on page 101, after line 20, to insert:

PUBLIC BUILDING PROJECTS

For emergency construction of public-building projects outside the District of Columbia under the provisions of the National Industrial Recovery Act (including the acquisition, where necessary, by purchase, condemnation, exchange, or otherwise of sites and additional land for such buildings; the remodeling or extension of buildings, rental of temporary quarters during construction, including moving expenses; purchase of necessary equipment for buildings and such additional administrative expenses and salaries as may be required solely for the purpose of carrying out the provisions of this paragraph), \$65,000,000: *Provided*, That with a view to relieving country-wide unemployment, the Federal Emergency Administration of Public Works, in the selection of towns or cities in which buildings are to be constructed, shall endeavor to distribute the projects equitably throughout the country so far as may be consistent with the needs of the public service: *And provided further*, That no projects shall be approved

under the provisions of this paragraph unless they shall have been recommended by the existing Interdepartmental Board on Public Buildings, consisting of representatives of the Treasury and Post Office Departments, the Bureau of the Budget, and the Federal Emergency Administration of Public Works: *Provided further*, That not exceeding \$30,000 of the sum herein appropriated shall be expended for construction of a retaining wall on grounds of the Federal building at Reno, Nev.; such projects, including the sites therefor, to be selected from the public-building projects specified in statements numbered 2 and 3 incorporated in House Report No. 1879, Seventy-third Congress, pages 24 to 40, inclusive, and projects selected shall be carried out within the respective estimated or proposed limits of cost specified in such statements.

Mr. TYDINGS. Mr. President, may I ask the Senator having the bill in charge whether or not this amendment striking out language is the one which takes the public-building fund out from under the Treasury Department and puts it under the Interior Department?

Mr. ADAMS. Mr. President, it does not take it out from under the Treasury Department, but it does put it under the Interdepartmental Board, of which the Treasury is a part.

Mr. TYDINGS. That is different from the House provision, then?

Mr. ADAMS. Yes.

Mr. TYDINGS. The House provision, as I recall, took all these matters out from under the Treasury Department.

Mr. ADAMS. No; they all fall under the Interdepartmental Board. This amendment puts them back.

Mr. TYDINGS. It would be just as it was?

Mr. ADAMS. Yes; just as the law is today.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. ADAMS. Mr. President, I submit an amendment in behalf of the committee, in line 23, page 102, where there was a typographical error, a transposition, and this is to correct it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. FLETCHER. Mr. President, I offer an amendment to the amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. After the word "expenses" on line 4, page 102, it is proposed to insert the following words, "All necessary improvements to make such land and buildings available for the purposes intended."

The amendment to the amendment was agreed to.

Mr. HEBERT. Mr. President, I have an amendment to offer to the committee amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 101 it is proposed to amend the committee amendment by deleting the proviso in line 14, down to and including the word "works", in line 20, and to substitute the following:

*And provided further*, That no project shall be approved under the provisions of this paragraph unless they shall have been recommended by the Secretary of the Treasury and the Postmaster General acting jointly.

Mr. HEBERT. Mr. President, the proviso which would be deleted by this amendment reads as follows, beginning in line 14, page 102:

*And provided further*, That no projects shall be approved under the provisions of this paragraph unless they shall have been recommended by the existing Interdepartmental Board on Public Buildings, consisting of representatives of the Treasury and Post Office Departments, the Bureau of the Budget, and the Federal Emergency Administration of Public Works.

The amendment would restore the language of the bill as it passed the House, so as to provide that those projects should not be undertaken except upon recommendation to the Secretary of the Treasury and the Postmaster General.

I offer this amendment because of an experience which I myself have had over a period of more than a year with this so-called "interdepartmental committee", and I say to

Senators at this time that that is the finest buck-passing organization I have ever encountered in my experience.

The Post Office Department in 1932 recommended a site for a post-office workshop in the city of Providence. Some negotiations were had with the city council because the site which had been chosen belonged to the city.

An agreement was reached, plans were in the making, and it is my information that architects were engaged by the Treasury Department to prepare plans. Since the establishment of this interdepartmental committee I have been trying to find out the status of that project. I have a file of correspondence extending over a period of a year.

First I wrote to the Administrator of Public Works, and I was informed that the Post Office Department had not yet reached a decision. Then I communicated with the Post Office Department, and they told me they knew nothing about the project. I then communicated with the Treasury Department, and I was informed that the interdepartmental organization was about to make an investigation to reach a determination as to what should be done.

Mr. President, I have gone around all of those activities one after the other. The most recent communication I have had was received only a few days ago, from the Administrator of Public Works, and in that communication I was informed that an investigation was expected to be made presently, and that when the report of that investigation became available they would probably know how to proceed.

Mr. CLARK. Mr. President, will the Senator yield to me?

Mr. HEBERT. I yield.

Mr. CLARK. I am very much interested in the Senator's remarks, because I have had an experience similar to that of the Senator, tending to show that the Public Works Administration has deliberately, so far as I have been advised, prevented the construction of any public buildings. Will the Senator be kind enough to tell me just exactly the difference between his amendment and the committee amendment, because I am in entire sympathy with the proposition the Senator is enunciating?

Mr. HEBERT. I shall be glad to do so, Mr. President. My amendment would restore the House language in the bill and provide that those projects shall not be undertaken unless they have the recommendation of the Treasury and the Post Office Departments, which I conceive to be the proper places in which to put that authority. We will then have an end to this buck-passing to which I have referred.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. HEBERT. I yield.

Mr. CLARK. To accomplish what the Senator is talking about, instead of adopting the amendment which the Senator has offered to the committee amendment, is not the easier way to do it to defeat the committee amendment? Would not that more accurately accomplish what we are trying to do?

Mr. HEBERT. I think it would accomplish that end, because we would restore the House language, as I understand the procedure, and that would be satisfactory to me.

Mr. CLARK. Therefore, Mr. President, I am going to vote for the Senator's amendment to the committee amendment. Then I shall vote against the committee amendment.

Mr. HEBERT. I propose to do that same thing myself.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HEBERT. I yield.

Mr. O'MAHONEY. Mr. President, to my personal knowledge it is the desire of the Post Office Department and of the Treasury Department that the House language should be retained in this bill. Since the creation of the interdepartmental committee, to which the Senator alludes, there has been practically no progress in the construction of post-office buildings throughout the country. The restoration by the Senate committee amendment of the Commission has the effect of taking out of the hands of the Post Office Department and the Treasury Department the function of constructing post-office buildings. The Post Office Department and the Treasury Department have had a very efficient or-

ganization which has been operating for many years in the construction of buildings and in the purchase of sites.

I have personal knowledge that the inspection service of the Post Office Department is well equipped and has a regular method of selecting sites, and the Treasury Department, through the Supervising Architect, has had an efficient method of constructing the buildings.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. McKELLAR. If I recall aright the amendment which is now in the bill, the Senate amendment, was agreed to on the theory that the Treasury Department, the Post Office Department, and the Department of Public Works had all agreed on this amendment. I have been informed today, however, that the Post Office Department and the Treasury Department did not enter into that agreement.

Mr. O'MAHONEY. That is my understanding.

Mr. McKELLAR. That being so, it seems to me that we should restore the House language.

Mr. TYDINGS rose.

Mr. HEBERT. I yielded to the Senator from Wyoming. If he has completed his statement I yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I asked the chairman of the committee a moment ago if this amendment did not take out of the hands of the Treasury Department and the Post Office Department those functions which they formerly had, and transfer them to the Public Works Administration. I was told no. My reading of it leads me to the belief that such is the case. Is that the Senator's idea?

Mr. HEBERT. My experience has been that it takes it out of the hands of everybody.

Mr. TYDINGS. Why adopt either one of the amendments?

Mr. HEBERT. To restore the House language would be entirely satisfactory.

Mr. DILL. Why can we not vote down the committee amendment? The House language is much preferable to the language contained in the Senator's amendment.

Mr. HEBERT. I agree with the Senator.

Mr. DILL. The fact of the matter is that the Post Office Department and the Treasury Department have spent a great amount of money and have exercised great care through their inspectors in the selection of their sites, and the Public Works Administration has disregarded and overturned everything they have done.

Mr. HEBERT. The Senator is right in his observation.

Mr. CLARK. Mr. President, I will ask the Senator from Washington [Mr. DILL] if it is not a fact that Congress on its own responsibility has appropriated money for certain post-office sites, for certain post-office buildings, and that the Public Works Administration has deliberately and flagrantly flouted the authority of Congress in the matter?

Mr. DILL. Not only that, but they took away this appropriation which Congress made for the C.C.C.

Mr. CLARK. What is the easiest thing to do in regard to the matter?

Mr. DILL. To vote down the amendment and vote for the House language.

Mr. O'MAHONEY. Mr. President, may I add, to what has already been said, that I have been advised that Members of Congress in the other branch are insisting upon the language adopted by the House because their experience has been exactly the same as that described by the Senator from Rhode Island. The Members of the House feel that buildings which were authorized have not been constructed and will not be constructed in the event the committee amendment shall prevail.

Mr. HEBERT. Mr. President, in order to simplify the procedure, I shall withdraw my amendment and ask for a yea-and-nay vote on the committee amendment.

Mr. HARRISON. A parliamentary inquiry. Have we voted on the Senate committee amendment yet?

The PRESIDING OFFICER. The Senate has not yet voted on the committee amendment. The question now is on the Senate committee amendment.



Mr. HEBERT. Mr. President, I ask for the yeas and nays.

Mr. BYRNES. Mr. President, before the vote is taken I ask for recognition. In justice to the committee a statement should be made, and then the Senate may vote and the members of the committee will take no exception.

Members of the subcommittee having heard this matter presented came to the conclusion that the interdepartmental committee, which is composed of the Secretary of the Treasury, the Postmaster General, the Director of the Budget, and a representative of the P.W.A., had passed upon certain projects. They submitted a list of 28 that were already approved and upon which construction would be begun as soon as funds were made available. They submitted an additional number that were under consideration. They were making a survey of all the public buildings in this document in order to determine what changes had taken place in the community during the last 5 years. It is utterly immaterial to us who passes upon the question as to selection. The Senate should know that in the documents referred to in the House amendment there are buildings that it will take \$150,000,000 to construct, and under this amendment \$65,000,000 is appropriated.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. CLARK. I should like to have the Senator explain briefly the difference between the House provision and the committee amendment. As I understand the situation, it is a question of whether Congress shall provide for certain public works or the Secretary of the Interior or an interdepartmental committee set up without authority of law shall make the allocation.

Mr. BYRNES. I think I can boil down the difference to this: Under the House language the determination as to the building to be selected from the two documents referred to will be left in the hands of the Postmaster General and Secretary Morgenthau. Under the Senate amendment the determination of the buildings to be selected to be constructed out of the \$65,000,000 is left to the interdepartmental committee, composed of the Postmaster General, Secretary Morgenthau, the Director of the Budget, and the representative of the P.W.A.

Mr. McKELLAR. Mr. President, did not the Senator from South Carolina understand that the four departments had agreed upon this amendment? I know I so understood, and I voted for the amendment on that assurance. Now it turns out that two of the departments have not agreed, and I think we ought to restore the House language.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

Mr. HAYDEN. Mr. President, it will be necessary to amend the House provision by reinserting that part of the amendment which has been rejected which relates to the Reno post office. I offer as an amendment to the House provision the proviso appearing on page 102 beginning in line 20 and ask that it may be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to insert, at the proper place in the House provision on page 101, the following proviso:

*Provided further, That not exceeding \$30,000 of the sum herein appropriated shall be expended for construction of a retaining wall on grounds of the Federal Building at Reno, Nev.*

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. ADAMS. Mr. President, I send to the desk an amendment which I ask may be stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed on page 14, after line 11, to insert the following:

#### FEDERAL TRADE COMMISSION

For an additional amount for the Federal Trade Commission, including the same objects specified under this caption in section 1, title 1, Independent Offices Appropriation Act, 1935, to enable the

Commission to comply with the provisions of House Concurrent Resolution No. 32 of the Seventy-third Congress, fiscal year 1935, \$30,000.

Mr. CLARK. Mr. President, I should like to have an explanation of the amendment from the Senator from Colorado.

Mr. BORAH. Mr. President, before the Senator from Colorado undertakes to make an explanation let us have order. No one on this side of the Chamber can hear anything that is going on.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ADAMS. Mr. President, the amendment provides an appropriation of \$30,000 to the Federal Trade Commission for conducting an investigation into the milk situation, a matter that has been in question here in recent days.

Mr. BYRNES. I have no objection.

Mr. McCARRAN. Mr. President, if I may have consent of the Senate, I wish to withdraw the objection which I interposed yesterday to the consideration of House Concurrent Resolution 32, which provides for an investigation by the Federal Trade Commission. If I may be considered in order by unanimous consent, I desire to move the adoption of the resolution so the appropriation may be taken care of in the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada for immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The clerk will read an amendment submitted by the Senator from South Carolina [Mr. SMITH].

The CHIEF CLERK. On page 3 of the resolution it is proposed to strike out lines 21, 22, and 23, which read as follows:

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$60,000 for the purposes of this resolution.

Mr. LA FOLLETTE. Mr. President, may I explain the situation? When the resolution came up before, the Senator from Arkansas [Mr. ROBINSON] suggested, in view of the fact that it was a concurrent resolution, that it could not properly provide for either the authorization or the appropriation of any money. He offered an amendment, as the Senator from South Carolina appreciates.

Mr. BYRNES. I understand the situation, but I have not offered any amendment or made any motion.

Mr. LA FOLLETTE. In any case, no matter who offers it, the amendment should be adopted.

Mr. CLARK. Is the pending amendment an amendment to the concurrent resolution?

Mr. LA FOLLETTE. This is a concurrent resolution which mistakenly attempted to make an appropriation. However, if the resolution is now passed with that language stricken out, then under the rule of the Senate it will be in order to consider the amendment offered by the junior Senator from Colorado [Mr. ADAMS] to the appropriation bill.

Mr. CLARK. I have no objection to the resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the resolution.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution as amended.

The resolution as amended was agreed to, as follows:

Whereas an audit made by the Agricultural Adjustment Administration has revealed that distributors in four of the largest milksheds in the United States, for the 5 years ended December 31, 1933, made a net profit of 25.71 percent on their net plant investment; and

Whereas this audit shows the net profits of distributors in each of the milksheds for the 5-year period to be: Philadelphia (distributors handling 85 percent of volume), 30.76 percent; Boston (distributors handling 75 percent of volume), 22.45 percent; St. Louis (distributors handling 67 percent of volume), 14.64 percent; and Chicago (distributors handling 90 percent of volume), 25.84 percent; and

Whereas during this same 5-year period the wholesale price of milk sold by farmers declined 50 percent, resulting in severe hardships and suffering to milk producers throughout the United States and strikes and violence in many rural and metropolitan centers; and

Whereas the aforesaid audit by the Agricultural Adjustment Administration has revealed net profits of milk distributors which tends to establish that similar conditions exist in other milksheds throughout the United States; and

Whereas an investigation in the District of Columbia pursuant to Senate Resolution 76, Seventy-third Congress, first session, revealed testimony which abundantly sustains the contention that over a period of years large milk distributors have attempted to create a monopoly in the District of Columbia, and largely as a result of these efforts farmers producing milk for the District of Columbia milkshed have received low returns for their products and have been placed at a serious disadvantage; and

Whereas the testimony adduced at hearings in the aforesaid investigation in the District of Columbia tends to prove that similar monopolistic efforts likewise exist in other milksheds in the United States; and

Whereas there is reason to believe that there exists a close tie between certain leaders of milk producers' cooperatives and milk distributors, which tie is unbeknown to milk producers and detrimental to their interests; and

Whereas the continuation of the practices now engaged in by milk distributors and certain leaders of milk cooperatives seriously endangers the efforts of the Agricultural Adjustment Administration and of the several States to alleviate and remedy the distress now wide-spread among dairy farmers in the United States, which distress if permitted to continue will result in the destruction of the already sorely pressed agricultural industry: Therefore be it

*Resolved*, That the Federal Trade Commission is authorized and directed to investigate conditions with respect to the sale and distribution of milk and other dairy products within the territorial limits of the United States by any person, partnership, association, cooperative, or corporation, with a view to determining particularly whether any such person, partnership, association, cooperative, or corporation is operating within any milkshed of the United States in such a manner as to substantially lessen competition or to tend to create a monopoly in the sale or distribution of such dairy products or is a party to any conspiracy in restraint of trade or commerce in any such dairy products, or is in any way monopolizing or attempting to monopolize such trade or commerce within the United States or any part thereof, or is using any unfair method of competition in connection with the sale or distribution of any such dairy products, or is in any way operating to depress the price of milk sold by producers. The Federal Trade Commission shall report to the House of Representatives as soon as practicable the result of its investigations, together with its recommendations, if any, for necessary remedial legislation.

The preamble was agreed to.

The PRESIDING OFFICER. The question now recurs upon the amendment of the Senator from Colorado to the appropriation bill, which will be read.

The CHIEF CLERK. It is proposed, on page 15, after line 20, to insert the following:

#### TARIFF COMMISSION

Salaries and expenses: The unexpended balance of the appropriation of \$785,000 for salaries and expenses of the United States Tariff Commission, 1934, contained in the Independent Offices Appropriation Act, 1934, is hereby continued available for the fiscal year 1935, and the limitation of \$725,000 on the amount which may be expended for personal services in the District of Columbia, contained in the Independent Offices Appropriation Act, 1935, under this head, is hereby increased to \$750,000.

Printing and binding: The unexpended balance of the appropriation of \$15,000 for printing and binding for the Tariff Commission, 1934, is hereby continued available for the fiscal year 1935.

Mr. CLARK. Mr. President, I should like to have the Senator from Colorado explain the amendment.

Mr. ADAMS. Very well. The letter of transmittal of the President is as follows:

THE WHITE HOUSE,  
Washington, June 15, 1934.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to transmit herewith for the consideration of Congress drafts of proposed provisions pertaining to the appropriations for the United States Tariff Commission, 1935.

The details of the proposed provisions, the necessity therefor, and the reasons for their transmission at this time are set forth in the letter of the Acting Director of the Bureau of the Budget transmitted herewith, with whose comments and observations thereon I concur.

Respectfully,

FRANKLIN D. ROOSEVELT.

The letter from Mr. F. W. Lowery, Acting Director of the Budget, is as follows:

BUREAU OF THE BUDGET,  
Washington, June 15, 1934.

The PRESIDENT.

SIR: I have the honor to submit herewith for your consideration a draft of proposed provisions pertaining to the appropriations for the United States Tariff Commission contained in the Independent Offices Appropriation Act, 1935, as follows:

#### SALARIES AND EXPENSES OF THE UNITED STATES TARIFF COMMISSION, 1935

The unexpended balance of the appropriation of \$785,000 for salaries and expenses of the United States Tariff Commission, 1934, contained in the Independent Offices Appropriation Act, 1934, is hereby continued available for the fiscal year 1935, and the limitation of \$725,000 on the amount which may be expended for personal services in the District of Columbia, contained in the Independent Offices Appropriation Act, 1935, under this head, is hereby increased to \$750,000.

#### PRINTING AND BINDING FOR THE TARIFF COMMISSION, 1935

The unexpended balance of the appropriation of \$15,000 for printing and binding for the Tariff Commission, 1934, contained in the Independent Offices Appropriation Act, 1934, is hereby continued available for the fiscal year 1935.

These proposed provisions are necessary to enable the United States Tariff Commission to perform the additional duties which may reasonably be expected to devolve upon it in connection with an act to amend the Tariff Act of 1930, approved June 12, 1934.

The foregoing draft of proposed provisions pertaining to existing appropriations is required to meet a contingency which has arisen since the transmission of the Budget for the fiscal year 1935, and approval is recommended.

Very respectfully,

F. W. LOWERY,  
Acting Director of the Bureau of the Budget.

Mr. BORAH. Mr. President, what is the amount of the additional appropriation?

Mr. ADAMS. The additional amount is \$30,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

#### REGULATION OF PUBLIC GRAZING LANDS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H.R. 6462) to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. O'MAHONEY. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. O'MAHONEY, and Mr. NYE conferees on the part of the Senate.

#### DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H.R. 9330) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes.

Mr. ADAMS. Mr. President, I desire to offer an amendment which the senior Senator from Maryland [Mr. TYDINGS] regards as a most important amendment and which he would like to explain.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. It is proposed, on page 58, after line 16, to insert the following:

For payment to the city of Baltimore the balance of the amount incurred and expended by said city of Baltimore to aid in the construction of works of national defense in 1863, at the request of Maj. Gen. R. C. Schenck, United States Army, and as found and reported to the Senate on May 3, 1930, by the Comptroller General of the United States, \$171,034.31; also for payment to the city of New York of the sum of \$764,143.75 expended by said city of New York for enrolling, subsisting, clothing, supplying, arming, equip-



ping, paying, and transporting troops employed in aiding to suppress the insurrection against the United States in 1861 to 1865; in all, \$935,178.06.

Mr. TYDINGS. Mr. President, the amount of money carried in the Baltimore appropriation is contained in a bill which passed the Senate at this session of Congress, which has been audited by the Comptroller General, passed on by the Judiciary Committee, and is now on the House Calendar. It also passed at the last session of Congress. I have in my hand the report of the Comptroller who audited the account and approved it.

I think there can be no objection to it. The money was advanced to the Federal Government at its request and it is the only loan which has not been repaid. Similar loans have been repaid to all other States except Maryland and New York. I have a list of the States, but I do not want to read it unless Senators want to hear it. They are Maine, Virginia—

Mr. BORAH. Mr. President, we do not want to hear them. It is bad enough to appropriate the money.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland. The amendment was agreed to.

Mr. ADAMS. Mr. President, I submit an amendment which is also to take care of the tariff situation.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 28, after line 4, it is proposed to insert the following:

#### BUREAU OF AGRICULTURAL ECONOMICS

To enable the Secretary of Agriculture to collect and analyze economic data on agricultural products for use in carrying into effect the act entitled "An act to amend the Tariff Act of 1930", approved June 12, 1934 (Public, No. 316, 73d Cong.), including the employment of persons and means in the District of Columbia and elsewhere, printing, and other necessary expenses, fiscal year 1935, \$47,670.

Mr. CLARK. Mr. President, I should like to know what that appropriation is for.

Mr. ADAMS. The request for this appropriation was made by the Bureau of the Budget. The provision is for an appropriation for the Bureau of Agricultural Economics, amounting to \$47,670, for the purpose of making investigations to enable the carrying out of the provisions of the Reciprocal Tariff Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado. The amendment was agreed to.

Mr. ADAMS. I have another committee amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 42, after line 12, it is proposed to insert:

Promotion of foreign trade: For the purpose of carrying into effect the provisions of section 4 of the act entitled "An act to amend the Tariff Act of 1930", approved June 12, 1934, including personnel services, stenographic reporting services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U.S.C., title 41, sec 5), contingent expenses, printing and binding, and such other expenses as the President may deem necessary, fiscal year 1935, \$75,000.

Mr. CLARK. Mr. President, I should like to hear an explanation of that amendment.

Mr. HARRISON. Mr. President, I will state that certain additional expenses naturally will be incurred in negotiating these reciprocal-trade agreements, and the President in making his request, cut it to the bone. I think the amount requested in all for that purpose was \$100,000, and this is a part of that sum.

Mr. CLARK. Mr. President, I have no disposition on earth to interfere with the legitimate expenses of the Government in negotiating the treaties which we provided for by law the other day. On the other hand, I do have a very great disposition to object to the expansion of the Tariff Commission as it has heretofore existed, and I should like to know who is going to expend this money.

Mr. HARRISON. It is certain that some additional employees will be needed in the Tariff Commission in order to negotiate reciprocal-trade agreements. I think the Commerce Department needs some assistants, too; I think the State Department needs some; but the aggregate, I think, is \$100,000. The President has just sent down the letter to us. I hope this amendment will be agreed to.

Mr. CLARK. I have not seen the letter. I know that in the last campaign the Democratic Party denounced the Tariff Commission at the top of its lungs in its platform and on the stump throughout the campaign. I know that no responsible Republican spokesman throughout the whole of the campaign ever attempted to defend the Tariff Commission, and I am not disposed to expand its powers at this time.

Mr. BORAH. Mr. President, we have already passed the item for the Tariff Commission, have we not? I should be glad if the Senator would offer an amendment to abolish the Tariff Commission.

Mr. CLARK. I should be very glad to vote for such an amendment.

Mr. BORAH. I think it would be a service to the public to do so.

Mr. CLARK. If the Senator from Idaho will offer the amendment, I shall be very glad to vote for it.

Mr. BORAH. In view of the fact that the Chairman of the Tariff Commission declared publicly that they were simply acting as amanuenses to the President, I see no reason for their existence.

Mr. CLARK. If the Senator from Idaho will yield, I am certain that the Chairman of the Tariff Commission said nothing that had not been well recognized by every intelligent man in the United States heretofore.

Mr. BYRNES. Mr. President, will the Senator yield to me? I think possibly there is a misunderstanding.

Mr. CLARK. The Senator from Idaho has the floor.

Mr. BORAH. I am ready to vote.

Mr. BYRNES. I simply desire to say that this is for the Department of State, and not for the Tariff Commission.

Mr. BORAH. That is what I understood, that we have already passed the item for the Tariff Commission. That deed is done.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Colorado [Mr. ADAMS] on behalf of the committee.

The amendment was agreed to.

Mr. ADAMS. I submit another committee amendment which I will ask the Senator from Mississippi [Mr. HARRISON] to explain. This is the cotton amendment.

The PRESIDING OFFICER. The Senator from Colorado, on behalf of the committee, offers an amendment, which will be stated.

The CHIEF CLERK. On page 93, line 23, after line 23, it is proposed to insert:

#### AMENDMENTS TO AGRICULTURAL ADJUSTMENT ACT

Section 4 of the Agricultural Adjustment Act, as amended, is amended to read as follows:

"SEC. 4. (a) The Secretary of Agriculture shall have authority to borrow money upon all cotton in his possession or control and may, at his discretion, deposit as collateral for such loans the warehouse receipts for such cotton.

"(b) The Secretary of the Treasury is authorized to advance, in his discretion, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000,000 to be available until March 1, 1936, to the Secretary of Agriculture for paying off any debt or debts which may have been or may be incurred by the Secretary of Agriculture and discharging any lien or liens which may have arisen or may arise pursuant to part 1 of this title, for protecting title to any cotton which may have been or may be acquired by the Secretary of Agriculture under authority of part 1 of this title, and for paying any expenses (including, but not limited to, warehouse charges, insurance, salaries, interest, costs, and commissions) incident to carrying, handling, insuring, and marketing of said cotton and for the purposes described in subsection (e) of this section.

"(c) The funds authorized by subsection (b) of this section shall be made available to the Secretary of Agriculture from time to time upon his request and with the approval of the Secretary of the Treasury. Each such request shall be accompanied by a statement showing by weight and average grade and staple the

quantity of cotton held by the Secretary of Agriculture and the approximate aggregate market value thereof.

"(d) It is the purpose of subsections (b) and (c) to provide an alternative method to that provided by subsection (a) for enabling the Secretary of Agriculture to finance the acquisition, carrying, handling, insuring, and marketing of cotton acquired by him under authority of section 3 of this act. The Secretary of Agriculture may, at his discretion, make use of either or both of the methods provided in this section for obtaining funds for the purposes hereinabove enumerated.

"(e) The Secretary of Agriculture is authorized to use, in his discretion, any funds obtained by him pursuant to the provisions of subsection (a) or (b) of this section or of section 5 for making advances to any agency which may have been or may be established by the Secretary of Agriculture for the handling, carrying, insuring, or marketing of any cotton acquired by the Secretary of Agriculture, to enable any such agency to perform, exercise, and discharge any of the duties, privileges, and functions which such agency may be authorized to perform, exercise, or discharge.

"(f) The proceeds derived from the sale of cotton shall be held for the Secretary of Agriculture by the Treasurer of the United States in a special deposit account and shall be used by the Secretary of Agriculture to discharge the obligations incurred under authority of part 1 of this title. Whenever any cotton shall be marketed the net proceeds (after discharge of other obligations incurred with respect thereto) derived from the sale thereof shall be used, to the extent required, to reimburse the Treasury for such portion of the funds hereby provided for as shall have been used, which shall be covered into the Treasury as a miscellaneous receipt. If when all of the cotton acquired by the Secretary of Agriculture shall have been marketed and all of the obligations incurred with respect to such cotton shall have been discharged, and the Treasury reimbursed for any and all sums which may have been advanced pursuant to subsection (b), there shall remain any balance in the hands of the Secretary of Agriculture, such balance shall be transferred to and taken as supplemental to the appropriation provided for by section 12 (a) of this act and may thereafter be used for and devoted to the purposes set forth in said section 12 (a)."

Section 5 of the Agricultural Adjustment Act, as amended, is amended to read as follows:

"Sec. 5. The Reconstruction Finance Corporation is hereby authorized and directed to advance money and to make loans to the Secretary of Agriculture for the purpose of providing funds with which to enable the Secretary of Agriculture to perform the duties and functions which he is directed or authorized to perform under the provisions of part 1 of this title, provided such advance of money or such loans shall not be for amounts in excess of the market value of the cotton, or the interest of the Secretary of Agriculture in the cotton, against which the advance or loan is to be made at the time such advance or loan may be applied for by the Secretary of Agriculture, plus costs, expenses, and commissions incurred incidental to handling, carrying, and marketing of such cotton. The Secretary of Agriculture shall not be required to pledge or deposit warehouse receipts or other evidences of title to cotton as security for any advance of money or loans made pursuant hereto, but it shall be sufficient if the Secretary shall give to the Reconstruction Finance Corporation a written statement showing the quantity of cotton by weight and the average grade and staple of the cotton against which the advance or loan is to be made. The amount of notes, bonds, debentures, and other obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this section."

Mr. HARRISON. Mr. President, this amendment was requested of the committee by the financial branch of the Department of Agriculture.

It will be recalled that the Committee on Agriculture and Forestry have reported a bill similar to this proposal. This amendment merely gives to the Secretary of the Treasury permission to advance this money on the cotton that is now pooled under a pool that was agreed to some 2 years ago; and I may say that under the very wise management of that cotton pool the Government today is seven or eight million dollars to the good. Instead of going to private bankers and having to borrow money to carry this cotton, it is provided that the Secretary of the Treasury may make the advancements and provide the funds for refinancing.

The amendment is approved by the Budget Bureau, the Secretary of the Treasury, and earnestly requested by the Department of Agriculture.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado on behalf of the committee.

The amendment was agreed to.

Mr. ADAMS. Mr. President, I send to the desk an amendment allowing common carriers to carry relief products for

the drought at reduced rates without violation of the interstate commerce law.

The PRESIDING OFFICER. The amendment offered by the Senator from Colorado will be stated.

The CHIEF CLERK. On page 86, after line 24, it is proposed to insert:

If, during the present drought emergency, a carrier subject to the Interstate Commerce Act shall, at the request of any agent of the United States, authorized so to do, establish special rates for the benefit of drought sufferers, such a carrier shall not be deemed to have violated the Interstate Commerce Act with reference to undue preference or unjust discrimination by reason of the fact that it applies such special rates only to those designated as drought sufferers by the authorized agents of the United States or of any State.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was agreed to.

Mr. BORAH. Mr. President, if the committee is through with its amendments, I should like to offer an amendment.

The PRESIDING OFFICER. Are there further committee amendments?

Mr. BYRNES. Mr. President, I send to the desk the last of the committee amendments.

The PRESIDING OFFICER. The Senator from South Carolina offers certain amendments, which will be stated.

The CHIEF CLERK. On page 35, after line 2, it is proposed to insert:

Salaries, Department of Justice: For an additional amount for salaries, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$335,860: *Provided*, That of this amount \$245,460 shall be available only for transfer in addition to transfers authorized by existing law to any other appropriation or appropriations under the Department of Justice not to exceed 25 percent of the appropriation to which transfer is made, when approved by the Director of the Budget.

Mr. CLARK. Mr. President, I ask to have that amendment reread.

The PRESIDING OFFICER. The clerk will reread the amendment.

The Chief Clerk again read the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina on behalf of the committee.

The amendment was agreed to.

The CHIEF CLERK. On page 35, after line 21, it is proposed to insert:

For an additional amount for traveling and miscellaneous expenses, Department of Justice, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$25,000.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The CHIEF CLERK. On page 36, after line 10, it is proposed to insert:

#### DIVISION OF INVESTIGATION

For an additional amount for salaries and expenses, Division of Investigation, for the detection and prosecution of crimes, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, and including also the purchase at not to exceed \$7,000 each, exchange, maintenance, upkeep, and operation of armored automobiles; purchase, exchange, maintenance, and upkeep of motor-propelled passenger-carrying vehicles, to be used only on official business; and not to exceed \$91,190 for personal services in the District of Columbia; to be immediately available, \$1,896,990.

#### DIVISION OF ACCOUNTS

Salaries and expenses, Division of Accounts: For an additional amount for personal services and expenses of the Division of Accounts in the District of Columbia, fiscal year 1935, \$22,570.

#### ENFORCEMENT OF ANTITRUST AND KINDRED LAWS

For an additional amount for enforcement of antitrust and kindred laws, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, and including also additional personal services in the District of Columbia, to be immediately available, \$140,800.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The CHIEF CLERK. On page 37, after line 14, it is proposed to insert the following:



For an additional amount for salaries, fees, and expenses of marshals, United States courts, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$140,070.

Salaries and expenses of clerks, United States courts: For an additional amount for salaries and expenses of clerks, United States courts, including the same objects specified under this head in the Department of Justice Appropriation Act, 1935, \$100,000.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

There is an amendment lying on the desk, offered by the Senator from Rhode Island [Mr. HEBERT], which will be stated.

Mr. HEBERT. I offer that amendment.

The CHIEF CLERK. On page 15, after line 20, it is proposed to add the following new language:

For additional amount for library and educational equipment, National Zoological Park, fiscal year 1933, \$6,012.

Mr. HEBERT. Mr. President, this amendment would provide the sum of \$6,012 for replacements at the Smithsonian Institution. It will not cost the Government any additional money. The Smithsonian Institution has recently leased the restaurant privileges, for which it is to receive a rental of \$6,012, and it now asks that those funds be made available for necessary replacements at the Institution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BORAH. Mr. President, I offer an amendment to be inserted at the proper place.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 2, after line 24, to insert the following:

For payment to the widow of Thomas C. Coffin, late a Representative from the State of Idaho, \$9,000.

The amendment was agreed to.

Mr. LA FOLLETTE. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LA FOLLETTE. Are there not two committee amendments which have been passed over, and should they not be disposed of before individual amendments are entertained?

The PRESIDING OFFICER. The Chair is advised that no amendments have been passed over.

Mr. LA FOLLETTE. I understood that there were two amendments on page 14 as to which there has been a motion to reconsider entered by the Senator from Missouri [Mr. CLARK].

Mr. CLARK. Mr. President, there are two amendments, on page 16, as to which I entered a motion to reconsider, which I should be very glad to take up at this time, but I think that other amendments should be first disposed of.

Mr. VANDERBERG. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed on page 49, after line 11, to insert the following:

Seventh International Roads Congress: Not to exceed \$5,000 of the appropriation "Cooperative Construction of Rural Post Roads—Administrative Expenses"; Department of Agriculture, is made available to be expended under the direction of the Secretary of State for expenses of participation by the United States in the Seventh International Roads Congress to be held in Munich, Germany, in 1934, and for each and every purpose connected therewith, including traveling expenses (and by indirect routes specifically authorized by the Secretary of State); personal services in the District of Columbia and elsewhere, without reference to the Classification Act of 1923, as amended, stenographic and other services, by contract if deemed necessary, without regard to the provisions of section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5); rent; purchase of necessary books and documents; printing and binding; official cards; entertainment; hire, maintenance, and operation of motor-propelled passenger-carrying vehicles; and such other expenses as may be authorized by Secretary of State.

Mr. VANDERBERG. Mr. President, this amendment is requested by the Departments of State, Agriculture, and

Commerce, and is merely an allocation of funds already appropriated. I think it is satisfactory to the Senator from Tennessee [Mr. McKELLAR]. I have discussed it with him.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLACK. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to insert at the proper place the following amendment:

Road and bridge flood relief, State of Alabama: The unexpended balance of the appropriations contained in the First Deficiency Act, fiscal year 1930, for carrying out the provisions of the act entitled "An act for the relief of the State of Alabama for damages to and destruction of roads and bridges by floods in 1929", approved March 12, 1930, shall remain available until June 30, 1935.

Mr. BYRNES. Mr. President, as I understand it, this appropriation has heretofore been authorized by the Congress, and the work has not been completed.

Mr. BLACK. That is correct.

Mr. BYRNES. This is simply an authorization that it shall continue?

Mr. BLACK. This provides for an extension of the time under existing law.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to insert at the proper place the following:

SEC. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$8,625,000,000, in addition to other sums appropriated by this act, for the purpose of carrying forward the program of public works inaugurated under the provisions of the National Industrial Recovery Act, approved June 16, 1933. Said sum shall be allocated within the following limitations:

(1) Not less than \$1,250,000,000 of such amount shall be allocated for the elimination of hazards to highway traffic under the provisions of section 204 (a) (1) of such act.

(2) Not less than \$1,500,000,000 of such amount shall be allocated for new building construction; of which not to exceed \$100,000,000 shall be allocated for construction of Federal buildings and for such purposes sections 305 and 306 of the Emergency Relief and Construction Act of 1932, as amended, shall apply; and not less than \$825,000,000 shall be allocated for loans and grants to finance building construction as provided in section 202 of the National Industrial Recovery Act, as amended.

(3) Not less than \$20,000,000 of such amount shall be allocated for coast and geodetic and geological surveys as provided in section 202 (b) of the National Industrial Recovery Act, as amended.

(4) Not less than \$4,855,000,000 of such amount shall be allocated and made available for expenditure on non-Federal projects, exclusive of projects included under the foregoing allocations.

(5) Not less than \$1,000,000,000 of such amount shall be allocated and made available for expenditure by the Emergency Housing Corporation.

SEC. 3. Section 201 (d) of the National Industrial Recovery Act is amended by striking out "2 years" and inserting in lieu thereof "3 years."

SEC. 4. (a) Clause (a) of section 202 of the National Industrial Recovery Act is amended by adding at the end thereof a comma and the following: "and school buildings when included within plans and surveys made or approved by the United States Commissioner of Education."

(b) Clause (b) of section 202 of such act is amended by inserting after "(b)" the following: "coast and geodetic and geological surveys."

(c) So much of section 202 of such act as reads "the construction of naval vessels within the terms and/or limits established by the London Naval Treaty of 1930 and of aircraft required therefor" is repealed.

(d) So much of clause (2) of section 203 (a) of such act as reads "but no such grant shall be in excess of 30 percent of the cost of the labor and materials employed upon such project" is repealed.

(e) Section 203 of such act is amended by adding at the end thereof the following new subsection:

"(e) It is hereby declared to be the policy of the Congress that this title shall be liberally construed, insofar as the requirement of security for loans made is concerned, to the end that the public-

works program contemplated hereby shall be expedited to the fullest extent possible."

(f) Section 204 (a) (1) of such act is amended by inserting after the words "relocation of highways to eliminate railroad crossings" a comma and the following: "track elevation and depression through cities."

Sec. 5. The amendments made by section 4 of this title to the National Industrial Recovery Act shall not be construed to limit the expenditure of funds heretofore obligated under such act.

Sec. 6. The provisions of section 210 of the National Industrial Recovery Act shall apply with respect to the amounts herein authorized for additional expenditures under such act.

Sec. 7. The Emergency Housing Corporation is authorized to proceed with the acquisition of property, by eminent domain or otherwise, and the construction, reconstruction, alteration, or repair of low-cost housing and slum-clearance projects, as authorized under the National Industrial Recovery Act, as amended.

On page 103, line 5, strike out the figure "2" and insert in lieu thereof the figure "8."

Mr. LA FOLLETTE. Mr. President, I recognize that at this late hour in the consideration of the bill it is impossible for me to obtain from the Senate the serious consideration which I believe this amendment merits. From the beginning of this depression I have contended that until we restore the purchasing power of the great masses of the people of this country we could not hope to obtain suitable conditions upon which a recovery could be predicated.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. CLARK. I agree very largely with the fundamental premise of the Senator from Wisconsin. Does the Senator think we have accomplished any substantial recovery by the grant of \$3,300,000,000, without any limitation, without any direction, to an officer to be appointed by the President?

Mr. LA FOLLETTE. Mr. President, the Public Works program I shall discuss in a few moments, and I prefer to deal with that when I come to it.

Mr. CLARK. I did not wish to interrupt the Senator, but it was my thought, when I voted for the appropriation of \$3,300,000,000, that we were going to strike the unemployment situation a blow which would be immediately felt; and I have felt, throughout the existence of the Public Works Administration, that there was too much red tape, and that the object which we all voted for had not been accomplished.

Mr. LA FOLLETTE. Mr. President, I shall deal with that phase of the problem in just a few moments, and I want to be just as brief as I possibly can, because, as I stated at the outset, I recognize that at this late hour I am trespassing upon the time and the patience of the Senate.

Consistent with my view, however, that until purchasing power on the part of the masses of the people of this country shall be restored, and that all efforts at recovery which stop short of that objective will be futile, I have, since the beginning of the depression, fought for a gigantic public-works program, to accomplish two purposes: First, to put people back to work and to distribute purchasing power, and, secondly, to stimulate the great basic industries which, it is my view, must be restored to a measure of normal activity if we are to come out of the economic crisis in which we now find ourselves.

Mr. President, we are well along in the fifth year of the depression. There are still between ten and eleven million persons in the United States totally unemployed. According to the latest figures which I have been able to obtain, there are more than 4,000,000 families receiving direct relief in this country, which means nearly 16,000,000 men, women, and children. In addition to that, there are 900,000 heads of families in the United States who are receiving relief under the set-up which was created following the demobilization of the Civil Works Administration.

Mr. President, the indexes show that there was a rise in the activity in lighter consumer goods in the industries in the fall and in the winter months. I contend that it was largely due to the extraordinary expenditures on the part of the Federal Government through Public Works, through Civil Works, and through the benefit payments extended to farmers under the Agricultural Adjustment Act.

Those expenditures were running approximately at the rate of \$300,000,000 a month. In recent weeks they have

been very sharply curtailed, and already the indexes of the consumer goods, or light industries, begin to show the evidences of the curtailment of that purchasing power. Already they have begun to enter another period of decline. There are upon the horizon ominous signs of another crisis within the crisis which we have been experiencing since 1929.

Mr. President, the estimated deficit in normal construction and in needed construction in the United States is \$13,000,000,000. This estimate was made by the Planning and Research Division of the N.R.A.

I admit that there has been disappointment at the rapidity with which the expenditure of the \$3,300,000,000 Public Works fund appropriated in title II of the Industrial Recovery Act has gotten under way. Nevertheless, it must be conceded that it was necessary to set up some organization in order that this program might be efficiently and properly administered.

I have been as critical, perhaps, as some other Senators of the slowness of that process; but the fact remains that the organization is now intact, that all its funds have been allocated to projects, and that the peak of its activity will be reached about August of the present year.

Mr. President, ever since the beginning of this depression we have from time to time endeavored to focus the attention of the Congress and the public upon the necessity for the adequacy of Public Works appropriation. If this device is to be employed at all, it must be employed upon a sufficiently large scale to effect the objectives which we have in mind. Unfortunately, in each instance when this attempt has been made the appropriations have been curtailed to the point where they have not sufficiently stimulated the distribution of purchasing power and the great basic industries.

Now we are confronted with an alternative as to whether or not we shall establish a program adequate in size so that it may be carried on as long as is necessary in order to attain the objectives of reemployment and of stimulation of the basic industries.

On the other hand, Mr. President, we have the choice of refusing to face these facts, as we have in the past; of refusing to recognize the magnitude of this crisis which confronts us, and then we shall certainly find ourselves in the same situation in which we found ourselves last October. Some hastily conceived organization will have to be set up and put into operation in order to meet the situation as it then arises.

Already the textile industry has demanded a 25-percent curtailment of its operations. Already the silk industry has had 1 week of shut-down in order to meet the situation confronting it because of curtailed purchasing power.

I recognize that there are those who say that the Federal Government cannot successfully undertake to provide such a large sum as is contemplated by this amendment. My answer is that the public debt in this country has not yet reached the point where we cannot afford to carry on expenditures of this type which add to the total national wealth. We have, in other words, Mr. President, the alternative between continuing the expenditure on a huge scale for direct relief, which undermines the morale and breaks down the spirit of the group which must accept it, or we can augment those appropriations and those expenditures, provide useful projects, and provide employment which maintains the self-respect and maintains the morale of those who receive it.

To my mind, Mr. President, there are only two courses to follow in a crisis of this kind. One is to accept the position of the orthodox economist and the orthodox statesman, who contends that the only thing which may be done in a situation of this kind is to take in all sail and attempt to ride out the storm with bare poles. The other alternative is to adopt a program of sufficient magnitude to stem the tide of the depression, to lift the level of economic activity, and to attain the objectives of recovery.

Both policies, Mr. President, cannot be followed simultaneously. It is somewhat analogous to the situation that confronts a general in a war. He may not determine to fight both an offensive and a defensive war. He must choose



one or the other; and once having determined upon that course, it is necessary, if the defensive be taken, that the objective necessary to achieve victory shall be attained. Otherwise, Mr. President, the morale of the troops, the morale of those who are in the noncombatant population behind the lines, is broken down, demoralized, and the Army ultimately overwhelmed.

How often may we pick these people up, give them some chance to grasp again a self-respecting mode of life, and then cut them off and put them back upon relief?

These programs, our experience demonstrates, cannot be worked out over night. It takes time for the necessary engineering data, the necessary financial data upon these projects, before they can come up and be approved.

While this amendment may perhaps seem to many Senators to carry an appropriation enormous in its size, not one dollar of it need be expended unless the exigencies of the situation demand. It is entirely within the hands of the President, under title 2 of the National Industrial Recovery Act, to cut off at any time every dollar of expenditure for Public Works by simply issuing a proclamation declaring that the emergency has terminated.

Unless a program of continuing character shall be adopted, which will permit the municipalities, the counties, and the States to undertake the necessary work in preparing these projects for submission, when we find ourselves in the next slump of this depression we shall be as unprepared for it as we were last October.

This amendment provides \$1,250,000,000 for the elimination of hazards to highway traffic. There are grade-crossing eliminations in this country amounting to more than \$3,000,000,000, upon which the plans and specifications are ready. With the tremendous increase in the speed of vehicular traffic, with the tremendous increase in the speed of our trains, in the near future it will become necessary for us to eliminate these hazards to highway and other traffic.

This amendment provides \$1,500,000,000 for buildings, not to be expended unless approved by the Administration of Public Works.

It provides for not less than \$4,855,000,000 for non-Federal projects. Today there are more projects on file at the Public Works Administration which have come up through the various State agencies than are provided for in this amendment.

It also provides \$1,000,000,000 to be expended by the Emergency Housing Corporation for the construction of slum-clearance projects. This is the only large industrial country in the world which has not, during the depression, undertaken a national program to provide decent housing for the low-income group.

The time is coming, Mr. President, when the people of the United States are going to demand that this huge expenditure for direct relief be curtailed and that these moneys, augmented with others large enough to provide a tremendous program, shall be expended for useful work, for projects which add to the total value and to the total wealth of the communities.

Upon my amendment I ask for the yeas and nays.

Mr. GORE. Mr. President, like the Senator from Wisconsin [Mr. LA FOLLETTE], I am warned by the lateness of the hour and the impatience of the Senate not to indulge in any extended remarks. I had intended to submit a few comments upon the amendment and upon the policy underlying it. I have abandoned that purpose. I do, however, wish to make one or two points, because one or two propositions have been advanced which I am unwilling to see go unchallenged, even though I am the only Member of the Senate to challenge them.

I think I feel as keenly as any Member of the Senate the distress prevailing in the drought-stricken region of the country. There can be no difference of sentiment or feeling among Senators concerning such wide-spread and such intense distress.

Mr. President, if I thought the existence of an emergency could annul the Constitution of the United States I should vote for many of these appropriations. If I thought the

Congress of the United States could add to its powers or remove the limitation upon its powers merely by declaring the existence of an emergency, I should vote for many of these appropriations.

But, sir, I still believe that the United States is a government of delegated powers; not only delegated powers, but of enumerated powers; not only of enumerated powers, but of limited powers. The United States can do no act that is not authorized by the Constitution either by an express grant of power or by necessary implication.

The fundamental distinction between Hamilton and the Federalists on the one side and Jefferson and the democracy on the other side pivoted on the point of implied power. Hamilton was a liberal constructionist—I believe they called him a latitudinarian. Jefferson was a strict constructionist, but even Hamilton himself insisted that the power to lay and collect taxes to provide for the common defense and the general welfare meant "the general welfare"; that it must be dedicated to general purposes, to general objects connected with the Government. Hamilton, as much as any one in the earlier days, denied that Congress could lay and collect taxes and expend the public moneys for private or for individual objects. Upon that point at least he and Jefferson entirely agreed.

When a policy is proposed, an appropriation is proposed, those who propose it assume the burden of proof to show the constitutional grant of authority to adopt the policy or to make the appropriation. When an appropriation is proposed two questions may arise, one a question of principle and the other a question of policy or of expediency.

When an appropriation is proposed the question arises, does the purpose come within the express or implied authority of the Congress? If the answer be in the negative, that settles the issue, no matter how intense the sympathy inspiring the proposal. If the answer be in the affirmative, then the question of expediency or policy arises. Should the appropriation be made even though it is ascertained that the power exists?

The committee has reported an amendment providing for \$500,000,000, which has been adopted. The Senator from Wisconsin [Mr. LA FOLLETTE] proposes to add \$3,600,000,000. With Senators who accept his principles that is not a difference of kind. It is merely a difference of degree, a mere matter of mathematics, or at most of public finance or fiscal policy, when we once adopt the principle which underlies this character of legislation.

The Senator from Wisconsin said this afternoon that no constitutional question arises in connection with the proposal; that Congress has settled that question by a series of precedents; that no question arises as to whether this is a proper Federal function, that question having been settled by Congress through a series of precedents. How many breaches of the Constitution are required to constitute and consecrate a precedent, I do not know. I have often said that it is worse to violate a sound principle in a good cause than in a bad one. Such a violation is invoked as a precedent in support of a bad cause.

Mr. President, perhaps I am the only Member of the Congress who doubts the power of Congress to use public money for private charity. Perhaps I am the only Member of Congress who doubts the power of the Government to take money out of the pockets of one man without any return, and transfer that money to the pockets of another citizen of this Republic equally entitled to the protection of the Government.

Perhaps I am the only one who doubts that we can take public money and use it not for private charity, limited to human beings, but extend it, as proposed by one Senator this afternoon, to the beasts of the field, the dumb, driven cattle.

Do not marvel at that. There is no end. When we open the gates for one unconstitutional appropriation we cannot close it when another knocks at the gate.

Mr. President, I desire to have read at this point an extract from a veto message by President Cleveland, as a matter of antiquarian interest. A bill passed Congress in

1887 appropriating \$10,000 to buy seed to be distributed amongst the farmers in the drought-stricken sections of Texas. I ask that the extract be read.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

VETO MESSAGE OF PRESIDENT GROVER CLEVELAND

EXECUTIVE MANSION,

February 16, 1887.

I return without my approval House bill no. 10203, entitled "An act to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor."

It is represented that a long-continued and extensive drought has existed in certain portions of the State of Texas, resulting in a failure of crops and consequent distress and destitution.

Though there has been some difference in statements concerning the extent of the people's needs in the localities thus affected, there seems to be no doubt that there has existed a condition calling for relief; and I am willing to believe that, notwithstanding the aid already furnished, a donation of seed grain to the farmers located in this region, to enable them to put in new crops, would serve to avert a continuance or return of an unfortunate blight.

And yet I feel obliged to withhold my approval of the plan as proposed by this bill to indulge a benevolent and charitable sentiment through the appropriation of public funds for that purpose.

I can find no warrant for such an appropriation in the Constitution, and I do not believe that the power and duty of the General Government ought to be extended to the relief of individual suffering which is in no manner properly related to the public service or benefit. A prevalent tendency to disregard the limited mission of this power and duty should, I think, be steadfastly resisted, to the end that the lesson should be constantly enforced that though the people support the Government the Government should not support the people.

The friendliness and charity of our countrymen can always be relied upon to relieve their fellow citizens in misfortune. This has been repeatedly and quite lately demonstrated. Federal aid in such cases encourages the expectation of paternal care on the part of the Government and weakens the sturdiness of our national character, while it prevents the indulgence among our people of that kindly sentiment and conduct which strengthen the bonds of a common brotherhood.

Mr. GORE. Mr. President, President Cleveland, himself not an indifferent lawyer, said that he could find no warrant in the Constitution for the appropriation of \$10,000 for the relief of the inhabitants of the drought-stricken region of Texas. I think no one has supplied his want. I believe no one has cited any authority in the Constitution to make private use of public money, and that is the point I am making.

Mr. President, the Constitution of the United States was ordained and established, the General Government was created, to accomplish two general sets of governmental functions. One was to supervise our relations with foreign powers, which could not be done by a number of individual States acting singly, which could be done only by a general government acting as a body politic. That, of course, involved the treaty-making power, the power to declare war, the power to provide for the common defense, the raising of armies and navies, and other general objects of that description. The other general set of functions was to supervise the relations between the several States and matters of common concern to all the States, which could not be done by the States acting severally or even jointly in any other capacity than as that of a body politic.

The primary purpose, the paramount object, in the adoption of the Constitution, if one may be suggested as more urgent than another, was the desire to regulate commerce between the several States and with foreign powers. A few other general powers, some 17 specific powers, were granted in section 8 of article I.

Mr. President, in my opinion, this Government has no power to practice private charity. Its powers are limited to certain public purposes. The Union is the creation of the States. The Supreme Court has said that the States could exist without the Union, but that no such political entity as the Union could exist without the States. On the other hand, the States create the counties and the municipalities. There are certain functions which devolve upon them which are not devolved upon the Government of the United States and should not be assumed by the general government.

My memory as to the history of appropriations of this sort is somewhat different from that of the Senator from Wisconsin [Mr. LA FOLLETTE]. He cites an early instance where there was a conflagration in Alexandria. I do not recall the incident. According to my recollection, and according to very high authority which I have here in my hand, from Mr. Charles Warren, the first act passing Congress in the nature of benevolence or charity passed in 1854. It donated 10,000,000 acres of public land for the establishment in the several States of asylums for the indigent insane. It was an appropriation of public lands. The distinction was clearly made at the time by the proponents of that measure that Congress could make general use of the proceeds arising from the sale of public lands, a use that it could not make of funds or revenue arising from revenue produced by taxation.

Few, if any, insisted at that time that that measure could have been financed out of revenues resulting from taxation. A distinction was made, and it was contended by the friends of the measure that it could be provided for out of the proceeds of the public lands.

That measure was vetoed by President Pierce. I shall have one paragraph read from his veto message, and shall ask that other sections may be printed in the RECORD, together with certain excerpts from other public men. The paragraph to which I refer is on page 62.

The PRESIDING OFFICER. Without objection, the paragraph will be read.

The Chief Clerk read as follows:

"I cannot find any authority in the Constitution for making the Federal Government the great almoner of public charity throughout the United States. To do so would, in my judgment, be contrary to the letter and spirit of the Constitution and subversive of the whole theory upon which the Union of these States is founded." He stated that he could not discover any distinction between appropriation of land for such an object and appropriation of money from the Treasury for the same object; and that both he considered to be unconstitutional.

Mr. GORE. He made the point in that message that if Congress could appropriate money for the indigent insane, outside the District, it could appropriate money for the indigent who were not insane, the poor in all the States, the dependent, the orphan, the sick, or the needy.

I ask to have the book retained at the desk, because I shall have one or two other quotations read in a moment. I shall detain the Senate only a moment longer.

That measure was passed in 1854. It was vetoed by the President, and that is the first instance or attempt of that kind in our history. According to my information and the best authority available, no appropriation for relief, even for a disaster commonly known as "an act of God", to be provided out of the general funds in the Treasury, was enacted until 1874, and that was for the relief of the flood sufferers in Alabama along the Tombigbee and Black Warrior Rivers.

Mr. President, I desire to have read at this point, from pages 79 and 80, an extract from a speech by Senator John T. Morgan, delivered in the Senate—an ornament to this body when he was here, and his memory still reflects luster upon it; a leader here, a leader in his State, a leader in his section, a leader in the United States.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

How inevitably political conditions creep into Government charity was most illuminatingly depicted by John C. Morgan, Senator from Alabama, in describing 10 years later the genesis and operation of this measure:

"In May 1874 there was an overflow that occurred in my State on the Tombigbee or the Big Warrior River, a small narrow stream whose bottom lands were not very extensive; and as soon as it was understood that some plantations had been inundated and some stock swept off, the Members of Congress then representing or claiming to represent that State brought in a bill to appropriate \$400,000 for the relief of the people who had been overflowed \* \* \* and the bill was passed. The general welfare of the whole State of Alabama and of the United States was a sufficient plea in apology for giving \$400,000 \* \* \*. The money was authorized to be expended on bacon and in flour and other foods for human consumption. It was so expended. The overflow had passed away before the bill passed Congress and new crops were growing upon the land. \* \* \* It was



distributed in the next October and November elections upon the highest points of the sand mountains throughout a large region of the country where the people wanted what was called in that country 'overflow bacon.' I cannot get that picture out of my mind. There was the general welfare of the people invoked, and with success, to justify this political fraud; the money was voted and the bacon was bought, and the politicians went around with their greasy hands and distributed it to the men who cast greasier ballots that they could not read. And in that way the general welfare was promoted."

"Overflow bacon"! The situation is too tragic for jest. But legislators should not close their eyes to the instincts, to the impulses, or even to the infirmities of human nature, lest we should become blind to the rights and the claims of the taxpayer.

Mr. GORE. Mr. President, in this connection I desire to have an extract read from Senator Fairfield, of Maine, a Democrat, to be found on page 73 of the same book.

The PRESIDING OFFICER. The clerk will read.

The Chief Clerk read as follows:

Sympathy must not blind judgment or solemn obligation to support the Constitution. It was an easy matter to be generous and to give bountifully from money or means not our own. The world would be full of charitable people if they could satisfy claims upon their bounty by putting their hands into the pockets of another. \* \* \* That is a very cheap sort of benevolence and would constitute a very small item in the great moral account. \* \* \* No more right to appropriate money out of the Treasury to purposes not contemplated by the Constitution than we had as private individuals to lay our hands upon the property of our neighbors. \* \* \* The people were their own best almoners and would not thank or justify us for assuming that relation to them. \* \* \*

Not one of the friends of this measure has yet attempted to put his finger upon the provision of the Constitution which authorizes it.

Mr. GORE. Mr. President, I ask to have a few other extracts printed without having them read.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

There being no objection, the extracts were ordered to be printed in the Record, and appear at the end of Mr. GORE's remarks.

Mr. GORE. Mr. President, a vast majority of the Democrats in other times have held as did Cleveland and others.

In this connection I wish to say one further word before I sit down. My reason for voting against these appropriations is not due to any lack of sympathy toward the distressed. I hope that I have as keen a sympathy toward all in distress as has anyone either in or out of this body. My attitude is due to an honest conviction that, under the Constitution of the United States, we have no power to make these appropriations; we have no power to take a dollar out of the pocket of one man who has earned it, giving him nothing in return, and transfer that dollar to another man who has not earned it. If that can be done by governments at all, it ought to be done by the States, where the power is not limited, as it is here in Congress. This explains why I have not been able to vote for any of these relief measures, some of which I thought meritorious, some of which appealed to me.

If I may be pardoned one personal reference before I sit down, I am now serving in my seventeenth regular session in this body, and I have served through six extraordinary sessions. I have never yet cast a vote to take \$1 out of the Treasury of the United States and give it to any human being on this globe—not one. When that proposition is involved in a measure, I vote against it, no matter what else is in it, and I have voted against measures on that account which contained many provisions which appealed to my judgment and to my heart.

Mr. President, I feel that I ought to add this one closing remark. If there be an exception to that general principle which I have laid down, it is the following: When I first came to the Senate I voted for a small pension in behalf of the widow of the man who laid down his life to prove that the yellow fever was conveyed by the mosquito from one human being to another. That was a great service in behalf of science—the ultimate sacrifice in behalf of humanity. The widow was left in straitened circumstances. Her

husband had been an officer in the Army, and I am not certain that that constitutes an exception. If it does, I sinned against my rule.

There was only one other exception. Soon after I came to the Senate this incident happened: United States soldiers from Fort Reno, in my State, were engaged in target practice and a stray bullet struck a little full-blood Indian girl about 7 or 8 years of age. Her name was Lily Smallrib. The sight of both her eyes was destroyed. She was rendered totally blind.

I offered a bill to provide a small monthly stipend for that unfortunate victim of that accident—an unspeakable misfortune caused by our soldiers in the discharge of their duty. I was not able to secure the enactment of that measure. Perhaps it could have been enacted now. I apologize to the Senate for having made this personal allusion, but it may shed some light upon my motives and my course of action. If what I have said does not prove that I am right, it at least proves that I am consistent, which is not important, but I hope it gives proof that I am sincere in the attitude which I have assumed and maintained toward all legislation of this kind and character.

I repeat, Mr. President, I do not vote to give away the people's money. I do not vote to give away the taxpayers' money. I look upon myself as a trustee, as a sworn trustee of the public moneys, and I could not vote to violate that trust as I see it. These accumulating precedents have not changed my convictions or my sense of duty. I doubt not that the future will vindicate the wisdom of our fathers, and will demonstrate the unwisdom of the present hour. I make no doubt that children now born will rue the day and that children unborn will curse the day that this thing was done.

(The following extracts were ordered printed at the end of Mr. GORE's remarks:)

(From the veto message of Franklin Pierce, May 3, 1854, of the bill entitled "An act making a grant of public lands to the several States for the benefit of indigent insane persons.")

In the performance of this duty, prescribed by the Constitution, I have been compelled to resist the deep sympathies of my own heart in favor of the humane purpose sought to be accomplished and to overcome the reluctance with which I dissent from the conclusions of the two Houses of Congress, and present my own opinion in opposition to the action of a coordinate branch of the Government which possesses so fully my confidence and respect.

This bill therefore proposes that the Federal Government shall make provision to the amount of the value of 10,000,000 acres of land for an eleemosynary object within the several States, to be administered by the political authority of the same; and it presents at the threshold the question whether any such act on the part of the Federal Government is warranted and sanctioned by the Constitution the provisions and principles of which are to be protected and sustained as a first and paramount duty.

It cannot be questioned that if Congress has the power to make provision for the indigent insane without the limits of this District, it has the same power to provide for the indigent who are not insane, and thus to transfer to the Federal Government the charge of all the poor in all the States. It has the same power to provide hospitals and other local establishments for the care and cure of every species of human infirmity, and thus to assume all that duty, of either public philanthropy or public necessity to the dependent, the orphan, the sick, or the needy which is now discharged by the States themselves or by corporate institutions or private endowments under the legislation of the States. The whole field of public beneficence is thrown open to the care and culture of the Federal Government. Generous impulses no longer encounter the limitations and control of our imperious fundamental law; for however worthy may be the present object in itself, it is only one of a class. It is not exclusively worthy of benevolent regard. \* \* \* If Congress may and ought to provide for any one of these objects, it may and ought to provide for them all. And if it be done in this case, what answer shall be given when Congress shall be called upon, as it doubtless will, to pursue a similar course of legislation in the others? \* \* \* The decision upon the principle in any one case determines it for the whole class. The question presented, therefore, clearly is upon the constitutionality and propriety of the Federal Government assuming to enter into a novel and vast field of legislation, namely, that of providing for the care and support of all these among the people of the United States who by any form of calamity become fit objects of public philanthropy.

Are we not too prone to forget that the Federal Union is the creature of the States, not they of the Federal Union?

[Extracts from Congress as Santa Claus]

But Lewis Cass voiced the view more generally held at that time, when he said that: "If you have a right, under the pretense of promoting the general welfare, or under a claim to promote the general welfare, to make any appropriation you please, without reference to governmental purposes, you are perfectly afloat—a government without a constitution." The true doctrine was, he said, that you could promote the general welfare only "agreeably to the purposes and objects of the Constitution."

Andrew P. Butler, of South Carolina, contended that "Congress is a fiduciary proprietor and bound to use the fund in suberviency to the ends contemplated, subject to the limitations specified in the Constitution itself."

So, too, John F. Farnsworth, of Illinois (Republican), said: "This is a new precedent, and if followed out to its logical consequence, we should hunt out the starving poor of every city and contribute to their relief."

Frank Hiscock of New York (Republican) stated that there were more politics in the legislation than there were provisions for support of the flooded, and that information had come to the Committee on Appropriations that "absolute injury was being done to those people by the excessive appropriations which were then made."

John Randolph Tucker, of Virginia, stated that as "the spirit of the Centennial is obedience to the Constitution", and as one of the great principles of that document was jealousy of centralization of power, it was improper to celebrate a Centennial by construing the Constitution so broadly as to give Congress power to appropriate for whatever it judged to be necessary for the general welfare. "Wrong does not become sanctified by frequent repetition", said Benjamin A. Willis, of New York (Democrat). "It is time this spirit of restlessness and discontent which despises restraint and mocks at the doctrine of strict construction should be rebuked." Even though such appropriations may have been made in our history, "the people never acquiesced in them until absorbed by the grand problems of war and debauched by the poison of speculation, when they became nonchalant and indifferent." He pointed out that the functions of Government have been "indefinitely multiplied. It has built railroads; become parent, schoolmaster, banker, and now it proposes to go into the show business. Scarcely anyone stops to inquire what the fundamental law prescribes."

Said Allen G. Thurman, of Ohio: "You can only provide for the general welfare by exercising the powers that are delegated to you in the Constitution. That is the mode in which you are to provide for the general welfare, not by going outside of the express delegations of power and roaming through all the universe of things to find something that in your judgment would be promotive of the general welfare."

Senator Thomas F. Bayard objected—and it is to be noted that this was in 1884, almost 50 years ago—to any further extension "of the bureaucratic system that is covering the country all over with agencies of the General Government, instead of the natural means of relief, local knowledge, local self-government, local self-interest to attend to local affairs. . . . Day by day the doctrines and practices of a paternal government are speciously and tentatively expanding over the country and the habit of popular thought is unhappily becoming accustomed to them. . . . This constant intervention by government in tasks that belong to the individual and which American citizenship needs for its development and its proper exercise must cease, or ours will become as bureaucratic a government as that of Russia."

In 1887 John J. Ingalls, Republican Senator from Kansas, pointed out with great force that the legislation was "based upon an entirely mistaken apprehension of the theory of this Government:

"It illustrates the tendency of this class of agitators to demand the continual interposition of the National Government in State and local and domestic affairs, with the result, as I believe, of absolutely destroying the independence and freedom of individual conduct and subverting the theory on which the Government is based and in the conduct of which hitherto it has reached such great results. . . . It is not desirable that there should be uniformity of methods and results in the different . . . States. It is the conflict of the contrariety of opinions in this country upon these subjects that results in the greatest good to the greatest number. It is the collision and contest between opposing ideas or views of contending localities that enable us to reach the highest results in the departments of activity and government."

And Thomas Sterling, of South Dakota said: "It is the extreme of paternalism . . . this instruction in farm-demonstration work and home economics. . . . That aid which forestalls and prevents self-initiative or self-help and invites dependence of the people of the States upon the general Government in any enterprise costs too much, and the Nation itself will, in the end, feel the enervating influence of such a policy."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. NYE. Mr. President, I hope that the amendment offered by the Senator from Wisconsin will prevail, if not in the form in which it has been offered, at least in material part. I am hopeful of that result, because I am conversant with the fact that there are a great many communities which, under the Public Works Administration, have been anticipating benefits which might accrue to those communities, and they have been striving the best they knew how, with the cooperation of Public Works Administration engineers and others in authority, to accomplish approval of projects.

Members of the Senate are thoroughly conversant with a condition existing in the northwest section of the country at this time. That they are conversant with that situation has been best exemplified by the manner in which the Senate today responded to the relief needs of that stricken area.

It is of interest, or should be to the Senate, to know that the heart of the drought area, the hardest-hit portion of the drought area, seems to be North Dakota, South Dakota, Minnesota, and Wisconsin. In that connection, it is interesting to note that a project which for months has been considered as likely of approval as a Public Works project is that involving the diversion of flood waters from the Missouri River into a great valley, into lake beds, and into streams which supply cities like Fargo, Grand Forks, Valley City, Jamestown, and Devils Lake in my own State of North Dakota; East Grand Forks, Moorhead, and Breckenridge in Minnesota; Huron, Redfield, Aberdeen, and other cities that might be named in South Dakota.

This project meets, in very large measure, a desperate situation existing in those three States at this time. As a result of the Public Works program for the past year men have been at work, spending large sums of money, and communities have authorized the expenditures of money to further the cause of this project. At the present time the Public Works Administration has in the field a commission which it is expected is going to report not later than the 1st of August of this year on the possibility of that particular project. We have good reason to believe that that commission is going to find favorably in support of the project.

However that may be, if they should find favorably, with appropriations as limited as they are in the bill at the present time for public works, I fear that we would have to conclude, no matter what the will of the Public Works Administration might be, that the prospect of having it approved as a Federal project would be quite nil.

I realize that the Senate is anxious to finish this work this evening. I am not going to take any more of its time. I ask, Mr. President, that there be incorporated in the RECORD two very recent editorials, one from a North Dakota paper, another from a South Dakota paper, revealing the very wide interest that is existing in this project at this particular time. The one is entitled "The Missouri Diversion Project", appearing in the Evening Huronite, of Huron, S.Dak.; the other is entitled "River Diversion", from the Devils Lake (N.Dak.) Journal.

The PRESIDING OFFICER. Without objection, the editorials will be printed in the RECORD.

The editorials referred to are as follows:

[From the Evening Huronite, Huron, S.Dak.]

#### THE MISSOURI DIVERSION PROJECT

The struggle of this entire James Valley for rehabilitation of its sources of water is one which has not received the attention it should. It may be well to admit that a short-sighted policy has contributed to our steadily receding subsoil water level. We have drained to our distinct disadvantage. Our highway engineers have put forth every effort to get the water away as quickly as possible. Those who have believed themselves to be utilitarians have sought by every means possible to "rescue" land from water. Add to these things the diminishing precipitation which has marked the past 10 years in this area, and we are faced with a situation which is extremely serious.

The receding waters of Devils Lake in North Dakota led a group of men, headed by S. W. Thompson of Devils Lake, N.Dak., to consider some plan to divert the flood waters of the Missouri



River into the watersheds of the James and Sheyenne Rivers, through the construction of a huge dam near Garrison, N.Dak. Their first purpose was to fill up the basin of the lake. Further study of the situation and an awakening realization of the plight of these watersheds led to a great expansion in the dreams of these men. They saw an opportunity to contribute first to the lessening of the flood threat to the lower river and second to assure these two rivers with a flow of water the year around.

It is not necessary to rehearse the whole story of the development of the idea, the investigations which have been made by Army engineers and by engineers brought in by the proponents of the project. It has been told in these columns many times. Suffice it to say that competent engineers have pronounced it feasible, practical, and worth while. They assert that it will relieve the Missouri River of troublesome flood-stage water, enhance the possibilities of navigation, and provide a source of power when and if the time comes when it can be profitably utilized. With equal assurance they have stated that the construction of the dam will impound sufficient water to restore the great lake beds in and near Devils Lake, furnish sufficient water for impounding other large reservoirs, notably just above Jamestown, and at the same time provide a bank-full flow of water in the James and Sheyenne Rivers when nature does not adequately supply these streams. This would assure various cities with a sure supply of water, soften our devastatingly high temperatures, make tree culture much easier, and add greatly to productivity of these valleys in which a great civilization is already established but which cannot endure under present conditions. There is no thought of irrigation. There is no purpose to bring new acres under cultivation. It is merely a program to preserve the homes and farms of these valleys which have been threatened by unwise action in the past.

North Dakota groups have done valiant service in arousing an interest in the diversion project. South Dakota has been altogether too slow in awakening to an appreciation of the situation. We have not joined as we should in the efforts which have been put forth to interest the Federal Government. The proposition is too large for any State or subdivision to entertain. It must be handled by the Federal Government, if at all. It fits into the picture of the present administration, for it means flood control, conservation, and river development. If we are ever to be successful, it would appear now is the time. The project needs the support of every single resident of the two States.

[From the Devils Lake (N.Dak.) Journal]

#### RIVER DIVERSION

All the Northwest, especially North Dakota, South Dakota, and Minnesota, must make common cause for the great Missouri River diversion project, now nearing realization.

It is vital to their future and to the welfare of every interest in them.

True giants in the earth settled and developed this great area of rich soils. They fought the sting of the blizzard. They withstood the attacks of savage, often mistreated Indians. They built here by dint of sturdy toll the bread basket of a great Nation. The Northwest must continue to be that if the national economy remains secure.

Today they fight a greater menace than winter storms or savage Indians. These gave warnings. The new menace is drouth, the pest of insect hordes that follows in its wake. It is the insidious cancer that for centuries untold, slowly, surely has eaten at the fertile areas of the world, changed the destinies of men and nations, shaped the career of generations unborn.

The armies of Alexander and the Caesars marched over lands where there were great rivers, luxuriant forests, teeming life, that today are deserts.

In all the Canadian prairie Provinces, in all the plains States assured water supply today is a greater problem than land development. Meteorological records tell a tragic and startling story in cold facts which must be faced.

Today splendid vision and progressive science is directed to the problem of conserving and restoring natural water supplies. It is splendidly achieving. It has begun to rebuild, in the national sense, resources of land, water, forest that for 300 years ruthless, thoughtless man has been heedlessly destroying.

Missouri River diversion, as it is planned and has been presented to the Federal Planning Board, represents the vision of great scientists, geologists, engineers. Vision in the sense that vision is planning in the face of facts.

In its unit aspect it is part of a great plan, especially important because in the sense of diversion, it is the first great unit of its kind in the Middle West.

The picture of its economic necessity is well grasped. The story of its economic effects is simply told. It provides diversion, flood control, safeguards navigation, provides much needed long-term employment.

It will benefit 450,000 square miles of rich farm land, served by rail transportation, with billions invested in property interests in towns and cities, restore intermittent rivers, affect 25,000,000 acres of land, safeguard rich agricultural production, insure domestic water supply for more than 20 towns and cities, affect the moral and social aspects of life for a rural population of more than 600,000 people and an urban population of more than 150,000. In a much larger scheme of western development it is quite simply a great control movement.

In every town in the great area involved there should be a Missouri River diversion association. Towns, cities, communities,

individuals, beset by the problems which disturbed natural balance creates, must fight to get what they want. Missouri River diversion is in the national spotlight. It must be kept there. Its position is most satisfactory. It must be kept so.

If we of the Northwest permit our interest in the fulfillment of this great project to lag we cannot expect those now giving it most serious consideration to continue their interest.

The great Twin Cities, with their tremendous interests in transportation, banking, manufacturing, education have been slow to grasp the full significance of the need for Missouri River diversion. They are now awakening to this need and resourcefully supporting it. Their material property interests have a greater stake in its fulfillment than we who are nearest to this problem.

The fight to promote diversion today is better organized and commands more interest than ever before. The need is better and more generally realized.

The Northwest must keep up its interest. Today it has the ear of the Nation, the consideration of the greatest group of scientists ever assembled to consider the practical aspects of any like problem.

The Northwest is near an epoch-making development affecting its future. It should be heard more than ever today, while it is getting a hearing. That fact cannot too often be stressed.

Mr. BONE. Mr. President, I will take just a moment's time to express my views on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] providing for an appropriation of \$8,625,000,000, in addition to those amounts appropriated by this bill under consideration. I am moved to say what I am going to say by reason of the fact that it is quite obvious that a roll call will not be had on this amendment, and I desire before I leave this session that I shall be recorded here in favor of the appropriation of the amount of money suggested by the amendment of the Senator from Wisconsin. I am not so particular about the amount, but I quite heartily agree with the Senator from Wisconsin that it were the part of wisdom for us not to adjourn this session of Congress without making ample provision for the pressing necessities of the American people.

I share quite fully the views of the Senator regarding the necessities of this occasion. Economic necessity knows no law, Mr. President, and hungry people in this country are not going to accept any apologies or any explanations. In answer to those who criticize the policy of making money available to feed the hungry, I say to them that if there is to be preservation of parliamentary government and constitutional government we are not going to make that possible by allowing millions of hungry people to continue with worried faces to struggle with their tragic problems day after day. All over the world we see parliamentary government and constitutional government threatened by the gaunt wolf of hunger. It is not right to drag in the out-moded theories of 50 years ago to answer the challenge of the present.

Mr. President, let me read, if I may, a fragment from the Democratic platform adopted in the year 1884:

The Democratic Party of the Union, through its representatives in national convention assembled, recognizes that, as the Nation grows older, new issues are born of time and progress, and old issues perish.

There is not any more somber issue confronting the American people than that of hunger on the part of millions of decent, upstanding Americans. We are going to have to meet that issue, and it were the part of wisdom not to go home without meeting it.

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are asked for. Is the demand seconded?

The yeas and nays were not ordered.

Mr. LA FOLLETTE. I suggest the absence of a quorum and ask for a roll call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Borah	Connally	Duffy
Ashurst	Brown	Coolidge	Erickson
Austin	Bulkley	Copeland	Fess
Bachman	Bulow	Costigan	Fletcher
Bailey	Byrd	Couzens	Frazier
Bankhead	Byrnes	Cutting	George
Barbour	Capper	Davis	Gibson
Barkley	Caraway	Dickinson	Glass
Black	Carey	Dieterich	Goldsborough
Bone	Clark	Dill	Gore

Hale	Loneragan	Overton	Stephens
Harrison	Long	Patterson	Thomas, Okla.
Hastings	McCarran	Pittman	Thomas, Utah
Hatch	McGill	Pope	Thompson
Hatfield	McKellar	Reynolds	Townsend
Hayden	McNary	Robinson, Ark.	Tydings
Hebert	Metcalf	Robinson, Ind.	Vandenberg
Johnson	Murphy	Russell	Wagner
Kean	Neely	Schall	Walcott
King	Norbeck	Sheppard	Walsh
La Follette	Norris	Shipstead	Wheeler
Lewis	Nye	Smith	White
Logan	O'Mahoney	Steiger	

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

#### ANNUAL CONSIDERATION OF PERMANENT APPROPRIATIONS—CONFERENCE REPORT

Mr. HAYDEN submitted a report which was ordered to lie on the table and to be printed, as follows:

(For conference report, see House proceedings of this day, p. 12139.)

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate numbered 1 and 2 to the bill (H.R. 9404) to authorize the formation of a body corporate to insure the more effective diversification of prison industries, and for other purposes; that the House had agreed to the amendment of the Senate numbered 3 to the said bill with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 5369) providing for the issuance of patents upon certain conditions to lands and accretions thereto determined to be within the State of New Mexico in accordance with the decree of the Supreme Court of the United States entered April 9, 1928.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 3636) for the relief of Thelma Lucy Rounds; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BLACK, Mr. RAMSPECK, and Mr. GUYER were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J.Res. 325) extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1936, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbitrator.

The message further announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 194. An act to refund to Caroline M. Eagan income tax erroneously and illegally collected;

H.R. 8639. An act to repeal certain laws providing for the protection of sea lions in Alaska waters; and

H.R. 9622. An act to amend subsection (a) of section 23 of the District Alcoholic Beverage Control Act.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills:

H.R. 8517. An act to provide for needy blind persons of the District of Columbia; and

H.R. 9143. An act providing educational opportunities for the children of soldiers, sailors, and marines who were killed in action or died during the World War.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 3530. An act relating to Philippine currency reserves on deposit in the United States;

H.R. 4446. An act for the relief of E. E. Hall;

H.R. 4659. An act for the relief of Carleton-Mace Engineering Corporation;

H.R. 4838. An act for the relief of the Massachusetts Bonding & Insurance Co., a corporation organized and existing under the laws of the State of Massachusetts;

H.R. 5369. An act providing for the issuance of patents upon certain conditions to lands and accretions thereto determined to be within the State of New Mexico in accordance with the decree of the Supreme Court of the United States entered April 9, 1928;

H.R. 6037. An act to exempt from taxation certain property of the National Society of the Sons of the American Revolution;

H.R. 6781. An act to authorize appropriations to pay the annual share of the United States as an adhering member of the International Council of Scientific Unions and associated unions;

H.R. 6898. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, or the States of Kansas and Missouri, or either of them, or the highway departments of such States, acting jointly or severally, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Atchison, Kans.;

H.R. 7067. An act for the relief of St. Anthony's Hospital at Michigan City, Ind.; Dr. Russell A. Gilmore; Emily Molzen, nurse; and the Hummer Mortuary;

H.R. 7107. An act for the relief of Frank Baglione;

H.R. 7161. An act to provide for the refund or abatement of the customs duty on altar candlesticks and cross imported for the Church of the Good Shepherd, Memphis, Tenn.;

H.R. 7372. An act for the relief of Donald K. Warner;

H.R. 7428. An act providing for the transfer of certain lands from the United States to the city of Wilmington, Del., and from the city of Wilmington, Del., to the United States;

H.R. 7697. An act for the relief of William Chinsky;

H.R. 7781. An act for the relief of Rosemund Pauline Lowry;

H.R. 7816. An act for the relief of Oswald H. Halford, Hunter M. Henry, William C. Horne, Rupert R. Johnson, David L. Lacey, William Z. Lee, Fenton F. Rodgers, Henry Freeman Seale, Felix M. Smith, Edwin C. Smith, Robert S. Sutherland, and Charles G. Ventress;

H.R. 8115. An act for the relief of May L. Marshall, administratrix of the estate of Jerry A. Litchfield;

H.R. 8650. An act for the relief of B. J. Sample;

H.R. 8727. An act for the relief of the First State Bank & Trust Co., of Mission, Tex.;

H.R. 9326. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near York Furnace, Pa.;

H.R. 9401. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a toll bridge across the Susquehanna River at or near Middletown, Dauphin County, Pa.;

H.R. 9721. An act authorizing the Spencer County Bridge Commission, of Spencer County, Ind., to construct, maintain, and operate a toll bridge across the Ohio River between Rockport, Ind., and Owensboro, Ky.;

S.J.Res. 130. Joint resolution to amend section 72 of the Printing Act, approved January 12, 1895, and acts amendatory thereof and supplementary thereto, relative to the allotment of public documents, and section 85 of the same act fixing the date of the expiration of the franking privilege to Members of Congress;



H.J.Res. 295. Joint resolution authorizing appropriation for expenses of representatives of United States to meet at Istanbul, Turkey, with representatives of Turkish Republic for purposes of examining claims of either Government against the other and for expense of proceedings before an umpire, if necessary; and

H.J.Res. 325. Joint resolution extending for 2 years the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and the Tripartite Claims Commission, and extending until March 10, 1936, the time within which Hungarian claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the War Claims Arbitrator.

#### DIVERSIFICATION OF PRISON INDUSTRIES

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES,  
June 15, 1934.

*Resolved*, That the House agrees to the amendments of the Senate, nos. 1 and 2, to the bill (H.R. 9404) to authorize the formation of a body corporate to insure the more effective diversification of prison industries, and for other purposes; and

That the House agrees to the amendment of the Senate, no. 3; to said bill with the following amendment:

"Strike out the proviso beginning in line 25 of page 2 of the Senate engrossed amendments."

Mr. ASHURST. I move that the Senate disagree to the amendment of the House to Senate amendment no. 3, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. STEPHENS, Mr. BLACK, and Mr. HEBERT conferees on the part of the Senate.

#### ATTENDANCE OF THE MARINE BAND AT NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC (S.DOC. NO. 223)

Mr. WALSH submitted a report, which was ordered to lie on the table and to be printed, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9145) to authorize the attendance of the Marine Band at the national encampment of the Grand Army of the Republic to be held at Rochester, N.Y., August 14, 15, and 16, 1934, and at the national convention of the Disabled American Veterans of the World War, to be held at Colorado Springs, Colo., during the first week in July, and at the annual convention of the Thirtieth Division of the American Expeditionary Forces, to be held at Asheville, N.C. on September 28, 29, and 30, 1934, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 3; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "and the National Convention of the Disabled American Veterans of the World War to be held at Colorado Springs, Colo., during the first week in July 1934"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "encampment and convention"; and the Senate agree to the same.

Amendment of the title:

That the House recede from its disagreement to the amendment of the Senate to the title of said bill, and agree to the same with an amendment as follows: In lieu of the amendment to the title of the bill proposed by the Senate insert the following:

"An act to authorize the attendance of the Marine Band at the National Encampment of the Grand Army of the Republic to be held at Rochester, N.Y., August 14, 15, and 16, 1934, and at the National Convention of the Disabled American Veterans of the World War, to be held at Colorado Springs, Colo., during the first week of July 1934"; and the Senate agree to the same.

DAVID I. WALSH,  
EDWARD P. COSTIGAN,  
JESSE H. METCALF,

*Managers on the part of the Senate.*

CARL VINSON,  
P. H. DREWRY,  
FRED A. BRITTEN,

*Managers on the part of the House.*

#### DEFICIENCY APPROPRIATIONS

The Senate resumed the consideration of the bill (H.R. 9830) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes.

Mr. PITTMAN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed, on page 49, after line 2, to insert:

Claims adjustment, United States and Turkey: For participation by the United States in the examination and settlement at Istanbul, Turkey, of claims as provided for by public resolution entitled "Joint resolution authorizing appropriations for expenses of representatives of the United States to meet at Istanbul, Turkey, with representatives of Turkish Republic for purposes of examining claims of either government against the other, and for expenses of proceedings before an umpire, if necessary", approved June —, 1934, \$90,000, to remain available until June 30, 1935.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. PITTMAN. Mr. President, I offer another amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 93, line 20, after the word "Bureau", it is proposed to insert the following:

That wages paid for skilled labor out of all Federal moneys expended under this act, or out of unexpended moneys for the building of roads, bridges, and trails under the jurisdiction and supervision of the Bureau of Public Roads, not already contracted for, which is expended for payment in wages to skilled workers directly employed in the construction of such roads, bridges, and trails, shall not be less than the wages paid to skilled workers employed in similar work under the jurisdiction of the Public Works Administration. Any act or provision of the law to the contrary notwithstanding.

Mr. PITTMAN. Mr. President, I should like to have the attention of the Senate for a moment on the amendment, which I consider very important. The amendment is tendered for this purpose:

There are two scales of wages being paid by two different departments of our Government for skilled labor, and in the same zone of work in instances. For instance, in the town of Reno the Public Works Administration is doing shovel work on the streets. Outside the town limits the Bureau of Public Roads is doing the same character of shovel work and paying about half the wages. I have the scales of wages paid by the two institutions working in the same zone, sometimes within a mile of each other, and one of them paying twice as much as the other.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. HAYDEN. The proposal the Senator is advocating was presented to the committee. There is a fundamental error in the matter as he states it. The Public Works Administration is expending Federal funds appropriated by Congress for public works. The highway appropriation is

made as a grant, in his case to the State of Nevada, but the State government must first do the work, and then the United States compensates the State of Nevada for the road construction. The Federal Good Roads Act provides that prior to the letting of any road contract the State highway commission, in this instance of the State of Nevada, shall predetermine the scale of wages and that wage scale shall become a part of the bid and of the contract, and all contractors must pay the same scale of wages. That is perhaps why the Senator has two different scales of wages. One is fixed by the Public Works Administration in Washington and the other by the State highway department, and both according to law.

Mr. PITTMAN. I understand that perfectly and I say it is entirely wrong. I shall try to explain why I think it is entirely wrong.

The money provided in the bill is not matched by the States at all. It is not under the Federal highway act. The Federal highway act requires a matching by the State of the money appropriated by the Federal Government. This provision does not require any matching by the State, but it is all Federal money carried in an appropriation bill. Not only that, but other restrictions have been placed upon the States. For instance, on page 93, the committee amendment reads:

*Provided, That the location, type, and design of all roads and bridges shall be approved by the Bureau of Public Roads before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of said Bureau.*

Under the good roads act it is not under the supervision of the Federal Bureau of Public Roads. The roads must be selected by the State, then approved by the Bureau of Public Roads, and the rest of the project is conducted by the State.

Mr. HAYDEN. Let me get the facts before the Senate.

Mr. PITTMAN. Just a moment. In the bill now before us we are getting away from the Federal good-roads act, because the entire amount of money is being appropriated. The States are not only required to select the roads, but they are to be constructed under their supervision.

Mr. HAYDEN. If the Senator will look in the bill, he will find the limitation merely applies to \$7,500,000 in one place and in another place to \$4,000,000 for Indian reservation roads which have nothing to do with roads under the Federal-aid system. The thought of the committee was that the National Park Service might well have the advice of the Bureau of Public Roads, and that the Indian Bureau should likewise have their advice, but we did not attempt to change in any manner the customary procedure with respect to construction of highways by the State highway departments.

Mr. PITTMAN. I think we should, and that is the question I am going to submit to a vote.

Let us take this situation. The Senator says it is within the jurisdiction of the highway commission to fix the scale of wages. That is all right, but, for instance, let us take California, right over the hill from us.

In California, for skilled labor—this amendment affects only skilled labor—the rate is \$1.27½ an hour. Go down to Nevada, and the rate is 75 cents an hour for skilled labor.

We may go through this whole list, and we will find places adjacent to each other where there is the tremendous discrimination involved in the difference between \$1.25 an hour and 40 cents an hour. I am speaking only of skilled labor, not semiskilled labor. That great discrimination exists; and I contend now that if the Government is to provide this money chiefly for the purpose of employing labor in this country, which is its main object, the Government should limit the use of this appropriation. If a State commission would rather put this money into cement than to put it into labor, it is the duty of Congress to say that they should put it into labor; and I think we should at least require the Federal Road Bureau to see that those employed under this money in the same zone receive the same wages for skilled labor that are paid out under the Public Works Administration.

That is the contention I make.

Mr. HAYDEN. Mr. President, just a moment in order that I may explain the situation to the Senate.

This matter of Federal grants to the States is purely a temporary one. We have provided in the authorizing act in which this \$100,000,000 is included that we shall return to the system of the States matching the amounts appropriated by the Federal Government. In 1936 the States will put up \$125,000,000 to match Government funds. They will do so again in 1937. Year after year, as a whole, the States have spent \$3 on roads where the Federal Government has spent \$1. Temporarily, it may be that at this particular period more Federal money is going into roads than State money; but it never has been true before, and we hope it never will be true again. So we devised the idea of letting each State highway department determine the scale of wages, and predetermine that so that every contractor who builds a road for the State must pay the same scale to all labor, and make it a part of the contract. That is the State's business.

When the State has completed the construction of the road, the United States Government comes in and assumes its share of the burden of paying for it. To wreck that whole system merely because at the moment it may be that there is more Federal money than State money going into roads it seems to me would be entirely wrong. We should leave this matter to each State to determine for itself.

Mr. PITTMAN. Mr. President, to meet the objection the Senator has made, after "Public Works Administration" I have written in the words—

in the same zone so long as Federal money is matched by the States.

Mr. HAYDEN. Mr. President, even to that I should object, because the Senator must realize that this is primarily State work. We are using a State agency to carry out relief. Why go in and dictate to that agency and to the States how to manage their business?

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nevada, as modified.

The amendment, as modified, was rejected.

Mr. BARKLEY. Mr. President, on behalf of the junior Senator from New York [Mr. WAGNER], who is in conference on the railway pension bill, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 58, after line 16, it is proposed to insert:

INTERNATIONAL CELEBRATION AT FORT NIAGARA, N.Y.

To pay the expenses of the participation of certain units of the Army of the United States in the events and ceremonies incident to the International Celebration at Fort Niagara, N.Y., under such regulations as the Secretary of War may prescribe, to remain available during the fiscal year 1935, \$6,000.

Mr. BARKLEY. Mr. President, this amendment is in line with House Joint Resolution 341, which has passed both Houses and has the approval of the Secretary of War.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky on behalf of the Senator from New York [Mr. WAGNER].

The amendment was agreed to.

Mr. BARKLEY. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 86, line 20, after the figures "\$500,000,000", it is proposed to add the following:

*Provided further, That the total amount which may be advanced by the President under the provisions of section 203 (a) (5) of the National Industrial Recovery Act is hereby increased by \$1,500,000.*

Mr. BARKLEY. Mr. President, just a word of explanation of this amendment.

In 1930 Congress authorized the construction of an annex to the Library of Congress, to cost \$6,500,000. In the National Recovery Act we authorized the allocation of \$5,025,000 of the unexpended balance of an appropriation there-



tofore made for the purpose of this construction. In the testimony before the Appropriations Committee Admiral Peoples, who is the Chief of the Procurement Division, made the statement that since that act was passed and this original limit of cost was fixed, the price of building materials and the cost of construction has increased about 30 percent; so that this additional authorization represents the increased cost of construction of buildings of this type as represented by the annex to the Library of Congress, and is necessary in order to carry out the plan of Congress in the construction of this building.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BARKLEY].

Mr. BYRNES. Mr. President, by legislation there was fixed a limit of cost of this building. Was a contract entered into for its construction?

Mr. BARKLEY. No contract has been entered into. I will say to the Senator that the Joint Committee on the Library, of which I happen to be chairman, in a session some months ago, taking into consideration the character of the Library of Congress, the character of the Supreme Court Building, and the character of the Folger Shakespearean Library, all of which are there in a group together, decided that the specifications for the building materials out of which this annex for the Library was to be constructed ought to be changed so as to provide for granite or marble rather than limestone, because a building of limestone would be entirely out of harmony with the other buildings; and, of course, that itself entailed an increase in the cost.

Upon the basis of Admiral Peoples' statement that the cost has increased by 30 percent since 1930 and 1931, we probably ought to be asking for \$1,800,000 or \$2,000,000 additional; but we think we can come within the million and a half additional under the increase in cost and the new material required.

Mr. ADAMS. Mr. President, I wish to inquire of the Senator from Kentucky why this item should be placed in this particular bill.

Mr. BARKLEY. Because in order that we may go ahead with the contracts for building this annex, which is sorely needed, we must know now what we are going to be able to expend.

I realize that probably I ought to have gone before the Committee on Appropriations and made a detailed explanation with the Architect of the Capitol, who has made these estimates based upon the testimony; but I have been tied up in conferences and subcommittees which made it impossible for me to do that. There is no question but that this additional amount is needed.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky. (Putting the question): By the sound, the "noes" seem to have it.

Mr. BARKLEY. Mr. President, I ask for the yeas and nays on this amendment. I think it is an important amendment.

The yeas and nays were not ordered.

Mr. BARKLEY. I make the point of no quorum. I think we ought to treat this amendment with some seriousness. If the Senate does not want to increase this allowance, very well; but I do not like to see the proposal treated as a joke.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bulkley	Couzens	Gibson
Ashurst	Bulow	Cutting	Glass
Austin	Byrd	Davis	Goldsbrough
Bachman	Byrnes	Dickinson	Gore
Bailey	Capper	Dieterich	Hale
Bankhead	Caraway	Dill	Harrison
Barbour	Carey	Duffy	Hastings
Barkley	Clark	Erickson	Hatch
Black	Connally	Fess	Hatfield
Bone	Coolidge	Fletcher	Hayden
Borah	Copeland	Frazier	Hebert
Brown	Costigan	George	Johnson

Kean  
King  
La Follette  
Lewis  
Logan  
Lonergan  
Long  
McCarran  
McGill  
McKellar  
McNary

Metcalf  
Murphy  
Neely  
Norbeck  
Norris  
Nye  
O'Mahoney  
Overton  
Patterson  
Pittman  
Pope

Reynolds  
Robinson, Ark.  
Robinson, Ind.  
Russell  
Schall  
Sheppard  
Shipstead  
Smith  
Steiner  
Stephens  
Thomas, Okla.

Thomas, Utah  
Thompson  
Townsend  
Tydings  
Vandenberg  
Wagner  
Walcott  
Walsh  
Wheeler  
White

Mr. LEWIS. Mr. President, I rise to reannounce the absences of the Senators whose names I gave on previous roll calls for the reasons then ascribed. I asked to have the announcement stand on the present roll call.

The PRESIDING OFFICER. Ninety-one Senators having answered to their names, there is a quorum present.

Mr. BARKLEY. Mr. President, I should like to make this additional word of explanation. This is not an appropriation, it is merely an authorization for an increase in the cost limit of the building in question. The property has already been bought and the excavations have been made, and a high fence now has been built around the property awaiting action by Congress, so that we may advertise for bids and award the contract. On this amendment I think I shall ask for a division.

Mr. ADAMS. Mr. President, the Senator seems to be presenting an amendment that is against the rule, because he says it is not an appropriation, but an authorization. An authorization is legislation.

The PRESIDING OFFICER. Does the Senator raise the point of order?

Mr. ADAMS. I raise the point of order against the amendment.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. BARKLEY. Mr. President, I offer another amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to add, on page 14, after line 11, at the proper place, the following amendment:

The American Group of the Interparliamentary Union: In order to assist in meeting the expenses of the American Group of the Interparliamentary Union during the fiscal year ending June 30, 1935, there is hereby appropriated the sum of \$10,000, or so much thereof as may be necessary, such appropriation to be disbursed on vouchers to be approved by the president and the executive secretary of the American Group.

Mr. BARKLEY. Mr. President, just a word of explanation. For a number of years Congress has been appropriating an annual sum for assisting and maintaining the Interparliamentary Union, which is an international organization which meets once a year in the capital of some country. Last year we had no representation at the meeting in Spain.

It is not fair to ask Members of Congress to go all the way to Europe to represent this country, and to pay all of their expenses. The amount asked for here is not sufficient to pay their expenses, but it would contribute something, and make it possible for Members to go who are interested in international questions.

This year the conference will meet in the city anciently known as Constantinople, I believe now called Istanbul, in Turkey. There has been transmitted to me within the last few days the invitation of the Turkish Government to the American Government to participate in the conference and to send a delegation.

The \$10,000 asked for is a very modest sum, and will make it possible for us to have a fairly good delegation at the conference, and I think the amendment should be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. Mr. President, I present the amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to insert at the proper place the following amendment:

Purchase of land for the Navajo Indians, Arizona, reimbursable: For the purchase of land and improvements thereon, including water rights, for the Navajo Indians of Arizona, as authorized in conformity with the provisions of the act of June —, 1934 (Public, No. —, 73d Cong.), \$481,879.38, reimbursable.

Mr. ASHURST. Mr. President, just a word of explanation. I would never present to the Senate an amendment which was subject to a point of order. The amendment I have now offered is to carry out an agreement which is the culmination of some years of negotiation among the Indians, the white owners, and the Department of the Interior.

The bill authorizing this appropriation has passed both Houses of the Congress. At 6 o'clock this afternoon it had not been signed by the President. I anticipate that it will be signed tomorrow. If, however, the President should not sign the bill authorizing the appropriation, I, of course, should ask the conferees to disregard the amendment. If, however, the President should sign that bill, then this should become a law, appropriating the money to settle this question of purchasing the land in white ownership in the Navajo Indian Reservation.

In the map I exhibit to the Senate it will be perceived that there is a vast amount of yellow, but that represents white holdings. These are checkerboard holdings. The Indians cannot use them, nor can the whites use them.

This agreement is the culmination of a long series of bargainings, and an agreement has been reached by the Department and the white owners and the Indians. I ask for a vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I submit an amendment, and ask that the same be reported.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 16, after line 14, it is proposed to insert the following:

Workhouse and reformatory: For personal services for the board of indeterminate sentence and parole, fiscal year 1933, \$13,770.

Mr. BYRNES. Mr. President, I ask the Senator from Oklahoma to make a statement as to the amendment.

Mr. THOMAS of Oklahoma. Mr. President, this amendment has to do with the District of Columbia. If the amendment is adopted, the money comes from a District of Columbia fund.

When the District of Columbia bill was before the Senate it carried this item; but in conference the House conferees would not accept the item, and the Senate had to recede. It has to do with the pay of employees for the Board of Parole in the District of Columbia. The members of this Board receive no salary, but the Board does have to have employees, and this sum is to pay the employees of the Board.

Unless this sum shall be provided, I am advised—authentically, I believe—that the Board will resign, because they have no one to do the work. They are willing to superintend the work, but they cannot do the clerical work themselves.

Since the item was stricken from the District of Columbia bill the House conferees have receded and yielded, and are willing to have this item go in the bill.

Mr. BYRNES. Mr. President, I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. THOMAS].

The amendment was agreed to.

Mr. BONE. Mr. President, I send to the desk an amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. At the bottom of page 27, after line 25, it is proposed to insert the following paragraph:

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

Cereal and forage insects: For an additional amount for this purpose for the fiscal year 1935, including the same objects specified under this head in the Agricultural Department Appropriation

Act of 1935, to be used, in addition to the amounts already available therefor, for the control of the Mormon cricket, \$15,000, to be immediately available.

Mr. BONE. Mr. President, just a word of explanation.

Mr. ADAMS. Mr. President, before the Senator proceeds I should like to inquire whether there is an estimate or an authorization supporting this amendment.

Mr. BONE. There is not.

Mr. ADAMS. Then I raise the point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. JOHNSON. Mr. President, I ask the attention of the Senator from South Carolina [Mr. BYRNES] and the Senator from Colorado [Mr. ADAMS]. I offer an amendment, on page 27, to add the words "to combat the mildew to hops and injury to hop fields, \$5,000."

I have before me the letter from the Chief of the Bureau in the Department of Agriculture concerning the particular insect which has invaded Oregon, Washington, and California; and the sum of \$5,000 is absolutely essential in order that this insect invasion may be combated.

Mr. ADAMS. Mr. President, I desire to make the same inquiry as to whether or not there is an estimate or an authorization behind that proposal.

Mr. JOHNSON. I simply have the letter of the Department of Agriculture in regard to the matter; that is all.

Mr. ADAMS. Mr. President, I am instructed by the committee to raise the point of order against such amendments.

Mr. CUTTING. Mr. President, if we should agree to the amendment of the Senator from California, how could we possibly balance the Budget?

Mr. JOHNSON. That would be a very difficult thing, I admit. We could not balance the Budget, probably, if we should adopt an amendment calling for the expenditure of \$5,000; and as I have seen go through here today amendments for building a wall in Reno, and the like, I realize that it is an absolutely essential thing that we should say that this amendment is subject to a point of order which must be insisted upon. It only affects some millions of dollars' worth of property in the States of Washington, Oregon, and California, where, in spite of the endeavors of the Agricultural Department, and despite what they have done, there has been an inroad of this particular disease, which has done incalculable harm to hogs in the hog fields.

Of course, I recognize that these gentlemen in their generosity, and because of their desire to protect the Treasury of the United States, could not tolerate the expenditure of \$5,000 to save some millions of dollars; so I do not object at all to a point of order being made, nor do I object to the point of order being sustained. It is an appropriate thing that an objection of this sort should be made when it has not been made to many other items which have been presented as amendments to this bill.

The VICE PRESIDENT. Does the Senator make the point of order?

Mr. ADAMS. I make the point of order.

The VICE PRESIDENT. The point of order is sustained.

The question is on the engrossment of the amendments and the third reading of the bill.

Mr. ADAMS. Mr. President, I move that the clerks be authorized to correct the totals and section numbers.

Mr. LONG. Mr. President, there is another amendment to be offered.

The VICE PRESIDENT. Does the Senator from Louisiana desire to offer an amendment?

Mr. LONG. No, Mr. President; but I just desire to keep the clerks from being authorized to do what was just suggested.

Mr. CUTTING. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed, on page 103, after line 4, to insert the following:

SEC. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$4,000,000,000, in addition to other sums appropriated by this act, for the purpose of carrying forward the program of public works inaugurated



under the provisions of the National Industrial Recovery Act, approved June 16, 1933. Such sum shall be allocated within the following limitations:

(1) Not less than \$750,000,000, of such amount shall be allocated for the elimination of hazards to highway traffic under the provisions of section 204 (a) (1) of such act.

(2) Not less than \$750,000,000 of such amount shall be allocated for new building construction; of which not to exceed \$50,000,000 shall be allocated for construction of Federal buildings and for such purposes sections 305 and 306 of the Emergency Relief and Construction Act of 1932, as amended, shall apply; and not less than \$400,000,000 shall be allocated for loans and grants to finance building construction as provided in section 202 of the National Industrial Recovery Act, as amended.

(3) Not less than \$10,000,000 of such amount shall be allocated for coast and geodetic and geological surveys as provided in section 202 (b) of the National Industrial Recovery Act, as amended.

(4) Not less than \$2,500,000,000 of such amount shall be allocated and made available for expenditure on non-Federal projects, exclusive of projects included under the foregoing allocations.

(5) Not less than \$500,000,000 of such amount shall be allocated and made available for expenditure by the Emergency Housing Corporation.

Sec. 3. Section 201 (d) of the National Industrial Recovery Act is amended by striking out "2 years" and inserting in lieu thereof "3 years."

Sec. 4. (a) Clause (a) of section 202 of the National Industrial Recovery Act is amended by adding at the end thereof a comma and the following: "and school buildings when included within plans and surveys made or approved by the United States Commissioner of Education."

(b) Clause (b) of section 202 of such act is amended by inserting after "(b)" the following: "coast and geodetic and geological surveys."

(c) So much of section 202 of such act as reads "the construction of naval vessels within the terms and/or limits established by the London Naval Treaty of 1930 and of aircraft required therefor" is repealed.

(d) So much of clause (2) of section 203 (a) of such act as reads "but no such grant shall be in excess of 30 percent of the cost of the labor and materials employed upon such project" is repealed.

(e) Section 203 of such act is amended by adding at the end thereof the following new subsection:

"(e) It is hereby declared to be the policy of the Congress that this title shall be liberally construed, insofar as the requirement of security for loans made is concerned, to the end that the public-works program contemplated hereby shall be expedited to the fullest extent possible."

(f) Section 204 (a) (1) of such act is amended by inserting after the words "relocation of highways to eliminate railroad crossings" a comma and the following: "track elevation and depression through cities."

Sec. 5. The amendments made by section 4 of this title to the National Industrial Recovery Act shall not be construed to limit the expenditure of funds heretofore obligated under such act.

Sec. 6. The provisions of section 210 of the National Industrial Recovery Act shall apply with respect to the amounts herein authorized for additional expenditures under such act.

Sec. 7. The Emergency Housing Corporation is authorized to proceed with the acquisition of property, by eminent domain or otherwise, and the construction, reconstruction, alteration, or repair of low-cost housing and slum-clearance projects, as authorized under the National Industrial Recovery Act, as amended.

On page 103, line 5, strike out the figure "2" and insert in lieu thereof the figure "8."

Mr. ADAMS. Mr. President, I should like an explanation of this amendment.

Mr. CUTTING. I intend to make one, Mr. President.

A short while ago the senior Senator from Wisconsin [Mr. LA FOLLETTE] offered an amendment which presented in its most fundamental form the difference between the two schools of thought in this country today. There is one school of thought which believes that in times of depression the Government must retrench and economize. There is another which believes that when private enterprise and private industry have fallen down the Government is the only agency which can possibly take up the slack. That amendment was presented by the Senator from Wisconsin, was advocated by him in an able speech, and the Senate refused to grant the Senator from Wisconsin even a record vote.

Mr. President, the amendment which I have presented cuts down by roughly 50 percent the figures offered by the Senator from Wisconsin. Instead of the sum of \$8,625,000,000, it suggests the appropriation of merely \$4,000,000,000 for the purposes of public works, and the other figures are cut down in the same proportion.

I have no particular desire to discuss the amendment at any length, provided I can be assured of a ye-and-nay vote. Under other circumstances, I feel that the amendment ought to be debated, and I know that there are many other Senators here who desire to debate the amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McNARY (when his name was called). On this vote I am paired with the senior Senator from Mississippi [Mr. HARRISON]. I am advised that if he were present he would vote as I am about to vote. I am therefore at liberty to vote. I vote "nay."

Mr. ROBINSON of Arkansas (when his name was called). Transferring my pair with the Senator from Pennsylvania [Mr. REED] to the Senator from Florida [Mr. TRAMMELL], I vote "nay."

Mr. STEPHENS (when his name was called). On this vote I am paired with the Senator from Indiana [Mr. ROBINSON]. I understand that if he were present he would vote as I intend to vote, and I am therefore at liberty to vote. I vote "nay."

Mr. WALCOTT (when his name was called). I have a general pair with the junior Senator from California [Mr. McADOO]. I am informed he would vote as I intend to vote and I am therefore at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. BARKLEY. I have a pair with the Senator from Iowa [Mr. DICKINSON] which I transfer to the junior Senator from Massachusetts [Mr. COOLIDGE] and vote "nay."

Mr. HEBERT. I wish to announce that the Senator from Missouri [Mr. PATTERSON] is necessarily detained. If present, he would vote "nay."

Mr. LEWIS. I regret to announce that the Senator from California [Mr. McADOO] is detained from the Senate by illness.

I desire to announce that the Senator from Alabama [Mr. BLACK], the Senator from New Hampshire [Mr. BROWN], the Senator from Ohio [Mr. BULKLEY], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from New York [Mr. COPELAND], the Senator from Montana [Mr. ERICKSON], the Senator from Florida [Mr. FLETCHER], the Senator from Georgia [Mr. GEORGE], the Senator from Virginia [Mr. GLASS], the Senator from Mississippi [Mr. HARRISON], the Senator from Kentucky [Mr. LOGAN], and the Senator from Nevada [Mr. McCARRAN], are necessarily detained from the Senate.

I wish also to announce that the Senator from Florida [Mr. TRAMMELL], the Senator from Maryland [Mr. TYDINGS], the Senator from Indiana [Mr. VAN NUYS], and the Senator from New York [Mr. WAGNER], are detained from the Senate on official business.

Mr. HEBERT. I desire to announce the following general pairs:

The Senator from West Virginia [Mr. HATFIELD] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Indiana [Mr. VAN NUYS];

The Senator from Ohio [Mr. FESS] with the Senator from Virginia [Mr. GLASS];

The Senator from Vermont [Mr. GIBSON] with the Senator from New York [Mr. COPELAND];

The Senator from Wyoming [Mr. CAREY] with the Senator from Ohio [Mr. BULKLEY];

The Senator from Missouri [Mr. PATTERSON] with the Senator from New York [Mr. WAGNER];

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN];

The Senator from Delaware [Mr. HASTINGS] with the Senator from Georgia [Mr. GEORGE];

The Senator from Oregon [Mr. STEIWER] with the Senator from New Hampshire [Mr. BROWN]; and

The Senator from Maine [Mr. WHITE] with the Senator from Alabama [Mr. BLACK].

The result was announced—yeas 17, nays 44, as follows:

## YEAS—17

Ashurst	Frazier	Murphy	Thomas, Okla.
Bone	Hatch	Neely	Wheeler
Caraway	Johnson	Nye	
Costigan	La Follette	Pope	
Cutting	Long	Shipstead	

## NAYS—44

Adams	Connally	King	Russell
Austin	Couzens	Lewis	Schall
Bachman	Dieterich	Loneragan	Sheppard
Bailey	Dill	McGill	Smith
Bankhead	Duffy	McKellar	Stephens
Barbour	Goldsborough	McNary	Thomas, Utah
Barkley	Gore	Metcalf	Thompson
Bulow	Hale	O'Mahoney	Townsend
Byrd	Hayden	Overton	Vandenberg
Byrnes	Hebert	Pittman	Walcott
Clark	Kean	Robinson, Ark.	Walsh

## NOT VOTING—35

Black	Dickinson	Hatfield	Reynolds
Borah	Erickson	Keyes	Robinson, Ind.
Brown	Fess	Logan	Steiwer
Bulkeley	Fletcher	McAdoo	Trammell
Capper	George	McCarran	Tydings
Carey	Gibson	Norbeck	Van Nuys
Coolidge	Glass	Norris	Wagner
Copeland	Harrison	Patterson	White
Davis	Hastings	Reed	

So Mr. CUTTING's amendment was not agreed to.

Mr. JOHNSON. On page 86, lines 17 to 20, I move to amend by striking out the proviso.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed on page 86, lines 17 to 20, to strike out the proviso, as follows:

*Provided further, That the amounts to be made available under the authority of this paragraph for public works under the National Industrial Recovery Act shall not exceed in the aggregate \$500,000,000.*

Mr. JOHNSON. Mr. President, there are two reasons why I move to strike out the particular words: First, and, of course, all controlling, is the reason that the amount therein suggested is far from what will do the job that was undertaken by the Public Works Authority and by the President of the United States under that authority.

Secondly, and less important, I move to strike out these words so that the matter may go to conference and the conferees then at least may ascertain the views of the administration upon the particular proposition and act accordingly. I shall be perfectly satisfied however they shall act under these circumstances.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from California. [Putting the question.] The "noes" seem to have it.

Mr. LA FOLLETTE. I call for a division.

On a division the amendment was rejected.

Mr. CLARK. Mr. President, I desire now to call up the motion previously made to reconsider the vote by which the Senate agreed to the committee amendment, on page 16, lines 6 to 9 inclusive, reading as follows:

Public Utilities Commission. Salaries: For an additional amount for salaries, Public Utilities Commission, including the same objects specified under this head in the District of Columbia Appropriation Act for the fiscal year 1935, \$36,823.

I will say frankly that I know nothing whatever about the merits of this particular provision of the bill. I was informed by the Chairman of the Subcommittee of the Appropriations Committee of the House of Representatives, having to do with the District appropriation bill, that this item, and one with reference to which I shall subsequently make a similar motion, are considered exceedingly bad provisions. He furthermore informed me, Mr. President, that he yielded in conference with the Senate conferees on everything on which he felt justified in yielding; he yielded on some three-fourths of the propositions involved in the conference; but that the amendment which I have made a motion to reconsider, and the amendment as to which I shall subsequently make a motion to reconsider, were amendments on which he could not possibly yield.

Mr. President, I believe that there is a certain amount of honesty in conferences between the House and the Senate. I believe that when a Senator has committed himself

in a conference on such a matter as the District of Columbia Appropriation bill, it is a violation of faith for the Senate later to put on amendments which have been agreed to be stricken out in conference.

Mr. SHEPPARD. Mr. President, do I understand that the Senate conferees agreed that those items should go out in the conference on the District of Columbia Appropriation bill?

Mr. CLARK. I understand that the Senator from Oklahoma [Mr. THOMAS] is to make a statement on that subject a little later. He was the head of the Senate conferees. I shall be glad to have him make the statement at this time, if he will.

Mr. THOMAS of Oklahoma. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. CLARK. I do.

Mr. THOMAS of Oklahoma. This is another item which has to do with the District of Columbia, and the money carried in this item comes from District funds.

The Budget estimated for this item—the Public Utilities Commission—a total sum of \$86,823. The House cut that item to \$50,000 in the District appropriation bill. It came to the Senate at \$50,000. The hearings in the Senate committee disclosed to our satisfaction that the item should be raised to the Budget estimate, and the Senate committee returned the item at the Budget estimate of \$86,000 plus.

The bill went back to the House carrying the Budget estimate. The House disagreed to our amendment. In conference the House conferees would not yield. The distinguished Senator from Nebraska [Mr. NORRIS] raised this point when the conference committee report was before the Senate, and I made the statement then that the conferees of the House would not yield; they were adamant; and nothing was left for the Senate conferees to do but to yield, and to carry the item in the sum of \$50,000.

After the conference committee report had been accepted certain gentlemen from the city of Washington came to me and asked if I would not interest myself in trying to get the balance of this money for this particular board. While I was considering offering the amendment in connection with this deficiency bill, I was approached by a member of the House conference committee who said that if I did anything to increase this item he would consider that a breach of good faith on my part as chairman of the subcommittee representing the Senate on this particular item; and because of his insistence that I do nothing I refrained from doing anything before the Senate committee.

I submit these facts for the consideration of the Senate. I am advised that if this item is carried in this bill, the Members of the House conference committee on the former bill—Mr. CANNON of Missouri, chairman; Mr. BLANTON, of Texas, a member; and three other gentlemen—will oppose this item; and they have stated to me over the telephone and in personal conference here on the floor that they propose to hold up this bill for some time or else see that this item goes out of the bill.

I shall be glad to answer any questions that any Senator may wish to submit if these facts are not plain.

Mr. WALSH. Mr. President, may I ask the Senator a question?

Mr. THOMAS of Oklahoma. Yes.

Mr. WALSH. Just what is the objection to this item?

Mr. THOMAS of Oklahoma. The House conferees are of the opinion that this Board can get along on \$50,000 just as well as they can get along on \$86,000.

Mr. WALSH. They do not need this extra appropriation?

Mr. THOMAS of Oklahoma. That is their opinion; that is their stand; that is their request; and that is their demand.

Mr. CLARK. Mr. President, will the Senator from Oklahoma yield?

Mr. THOMAS of Oklahoma. Yes.

Mr. CLARK. It is undoubtedly true that the Senate conferees, of whom the Senator from Oklahoma is the head, agreed to the deletion of this amendment. Is not that true?



Mr. THOMAS of Oklahoma. That is correct.

Mr. CLARK. In other words, the House have a very excellent argument when they claim that having agreed with the Senate in conference on the District of Columbia appropriation bill, they have been misused when the Senate comes back and puts the same item in the deficiency bill.

Mr. THOMAS of Oklahoma. Mr. President, it is a fact that the Senate conferees agreed with the House conferees to carry this item at the sum of \$50,000, deleting and taking from the original estimate the sum of \$36,000. The Senate accepted that conference report, and it is now the law of the Congress.

Mr. McCARRAN. Mr. President, as a member of the Committee on the District of Columbia, and with no interest that would normally or ordinarily appeal to a Senator from a sovereign State, it does seem to me that this matter should have serious consideration.

I have listened to the statement made by the able Senator from Oklahoma [Mr. THOMAS]. I do not, of course, question a single expression he has made. I have listened to the statement of the learned Senator from Missouri [Mr. CLARK], in which he says frankly that he knows nothing about the subject; but let us get down to the plain, ordinary facts.

Assuming that there may have been an agreement whereby the necessary amount may have been curtailed, it seems to me from my observation in a very short experience in the Senate that it may win all kinds of battles, but it never wins a conference. Every time we go into conference we are told that unless we yield, something will happen to the bill; and thus I listened to the statement of the learned Senator from Oklahoma, who is one of my colleagues on the District Committee.

I desire to say again that there is not the slightest personal interest in this matter, so far as I am concerned, except that public utilities in the District of Columbia require investigation, and at the next session of Congress there will be an investigation that will have a sting to it.

Just the other day there was rendered by the Supreme Court of the District of Columbia a decision in a case which was carried to that court by this very body in the District of Columbia, the battle being fought clear through, which has impounded \$500,000, half a million dollars, for the people of the District of Columbia; and the court that has decided that through the energy of the Public Utilities Commission of the District there shall be returned to the subscribers of the telephone system of the District of Columbia one-half million dollars.

There are other public utilities which should be investigated. That is not the only one. When we curtail by cutting off something that may result in benefit to the people of this District, then it seems to me we are very much like the millionaire who was told by his secretary one morning that he was exceeding his income, and he said, "Tell the milkman to leave only a pint of milk this morning."

Mr. CLARK. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. CLARK. Does the Senator believe that when the House gives up three-fourths of a proposition and the Senate gives up only one-fourth it is fair for the Senate to come and try to put back on an appropriation bill the fourth it has given up? I ask that question in all fairness to my friend, the Senator from Nevada.

Mr. McCARRAN. I would answer the question in this way: That justice should prevail in all things. Men may enter into agreements in which they will even blindfold justice and fair play; and if it be true that the Senate enters into an agreement, certainly I should like to see the agreement carried out; but if in entering into that agreement they were blind to a condition which should be corrected by a different interpretation or a different agreement, then I say that something else should be done.

If I made an agreement, I would stand by it; I will say that much, notwithstanding the fact that that expression may be against the argument I am trying to put forward here. If the Senate entered into an agreement, I am sorry

for it; that is all. Nevertheless, the justice of the case demands that something else be done than that which they say was a part of the agreement. There should be a carrying on of the public service and the public utilities of the District.

I wish to say again, in leaving the question, that I am only a member of the Committee on the District of Columbia, but I do believe that the Public Service Commission of the District should have something with which to carry on.

Mr. WALSH. Mr. President, I understand the Senator to say that there is need for an investigation of the Public Utilities Commission?

Mr. McCARRAN. I should say so.

Mr. WALSH. And that he is now arguing for an increased appropriation for them?

Mr. McCARRAN. No; I am arguing to put back the appropriation to what it was before. It was cut down.

Mr. WALSH. I judge, from what the Senator says, that he is rather suspicious of the character of the Commissioners as public servants.

Mr. McCARRAN. Not at all. I misunderstood the Senator. The contrary is true. I tried to emphasize that by the statement I suggested, that through the energy of this Commission there has just recently been sustained a decision of the courts of this District which has saved the people of the District half a million dollars.

Mr. WALSH. I understood the Senator to refer to the Commission. He referred to the utilities as being the ones which should be investigated?

Mr. McCARRAN. That is correct.

Mr. WALSH. And he desires this extra appropriation in order that the Commission may approach the problem of proper regulation of the public utilities?

Mr. McCARRAN. That the Commission may properly administer the functions assigned to it.

Mr. COSTIGAN. Mr. President, is the Senator satisfied with the appropriation of \$36,823, favored by the committee?

Mr. McCARRAN. I am.

Mr. COSTIGAN. That amount is, in fact, moderate, is it not?

Mr. McCARRAN. Yes. I do not want to mislead the Senator from Colorado. Fifty thousand dollars, in addition to that, went through in the regular appropriation bill.

Mr. COSTIGAN. The Senator does not regard this amount as excessive when added to the \$50,000?

Mr. McCARRAN. No.

Mr. BONE. Mr. President, may I ask some member of the conference committee why it was deemed necessary to cut down the amount appropriated for the investigation of private utilities in the District of Columbia?

Mr. THOMAS of Oklahoma. I will make the statement again. The Budget estimate was for \$86,000. The House committee reduced that to \$50,000. The bill came to this body carrying \$50,000. In the Senate committee we raised it to the Budget estimate, to \$86,000.

The bill went to conference. The House conferees would not accept the amount provided by the Senate, and insisted on the \$50,000 remaining in the bill. So, after several meetings, not being able to get them to agree to the Budget estimates, we had to recede. We did recede, and, as I made the statement here when the bill was before the Senate on the conference report, the House was adamant, and this is evidence that they were. They are still.

Mr. BONE. Perhaps the Senator misunderstood my question. If I may with propriety ask, what was the reason advanced by the House conferees for wanting to strip from this Commission the necessary money with which to perform its work properly?

Mr. THOMAS of Oklahoma. The testimony is in the record and I would rather not take any time in disclosing it. I might say, in a word, that the House conferees were of opinion that the city would get the same service from \$50,000 that the city would receive from the \$86,000.

Mr. SHEPARD. Mr. President, is it not a fact that the House conferees yielded on a number of other items in

return for the agreement of the Senate conferees on these two items?

Mr. THOMAS of Oklahoma. Mr. President, the bill as it passed the Senate carried about 120 amendments. The House was more generous this time than it has ever been before, and yielded on more amendments than it has ever yielded on. This was one which they held back as their ace in the hole.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Missouri to reconsider the vote by which the amendment was agreed to.

Mr. CLARK. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. CLARK. I ask for a division.

On a division, the motion was rejected.

The VICE PRESIDENT. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time, the bill was read the third time, and passed.

Mr. ADAMS. Mr. President, I move that the Senate insist upon its amendments, ask for a conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. ADAMS, Mr. McKELLAR, Mr. BYRNES, Mr. HALE, and Mr. DICKINSON conferees on the part of the Senate.

#### IMPROVEMENT IN HOUSING STANDARDS AND CONDITIONS

Mr. ROBINSON of Arkansas. I move that the Senate proceed to the consideration of Senate bill 3794, the so-called "housing bill."

The motion was agreed to; and the Senate proceeded to consider the bill (S. 3794) to encourage improvement in housing standards and conditions, to provide a system of mutual mortgage insurance, and for other purposes, which had been reported from the Committee on Banking and Currency with amendments.

#### INVESTIGATION OF SENATORIAL CAMPAIGN CONTRIBUTIONS AND EXPENDITURES IN 1934

The VICE PRESIDENT. The Chair appoints the Senator from South Carolina [Mr. BYRNES], the Senator from Colorado [Mr. COSTIGAN], the Senator from Illinois [Mr. DIETERICH], the Senator from Idaho [Mr. BORAH], and the Senator from New Hampshire [Mr. KEYES] as the committee under Senate Resolution 173, to investigate contributions and expenditures in senatorial contests in 1934.

#### UNIFORM SYSTEM OF BANKRUPTCY—REQUEST FOR RETURN OF BILL

Mr. METCALF. Mr. President, I move that the House be requested to return to the Senate the bill S. 3580, an act to establish a uniform system of bankruptcy throughout the United States.

Mr. LONG. Mr. President, is that the Frazier bill?

Mr. METCALF. Yes.

Mr. LONG. I move that the motion be laid on the table.

The VICE PRESIDENT. The Senator from Rhode Island, as the Chair understands, makes a motion that the House of Representatives be requested to return a bill to the Senate. Is that the motion which the Senator makes?

Mr. METCALF. Yes.

Mr. LONG. Mr. President, a parliamentary inquiry. The motion which the Senator has made is, as I understand, to return the Frazier bill, which was reported from the Judiciary Committee. It would be too late, if it were to be returned from the House, to act upon it at this late date.

The VICE PRESIDENT. The motion is not debatable. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was rejected.

#### LIFE-INSURANCE COMPANIES IN THE DISTRICT OF COLUMBIA

Mr. KING. Mr. President, House bill 9178, to regulate the business of life-insurance companies in the District of Columbia, has been unanimously reported from the District Committee of the Senate. It was unanimously reported from the House committee and unanimously passed the

House. It is a bill which has the approval of the District Commissioners. I ask for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, is this bill on the Senate Calendar?

Mr. KING. It is.

Mr. McNARY. What is its general and main purpose? I am not familiar with the contents of the measure.

Mr. KING. I made a brief explanation yesterday, and the Senator from Wisconsin [Mr. LA FOLLETTE] asked that the bill go over until today. The bill, to refer to it briefly, has been worked upon for years, in part by the late Senator Blaine, of Wisconsin, by the insurance commissioner of the District of Columbia, and by the corporation counsel of the District. Its enactment is greatly desired. It is very important. In addition, it has had the approval of and, in its preparation, the splendid services of Representative HARLAN. For more than a year he has worked upon the bill.

Mr. McNARY. I observe the presence of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. President, I have had an opportunity to look into this bill since I asked that it go over on yesterday, and I am convinced that the measure is very well drawn, and that there is great necessity for the regulation of life insurance in the District of Columbia. My information is that this measure contains the generally accepted provisions which are in force in most of the States of the Union with respect to the regulation of the life-insurance business, and, so far as I am concerned, I should be delighted to see the measure enacted.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

Mr. McNARY. Just a moment, Mr. President. Did the committee report the bill unanimously?

Mr. KING. Several members of the committee were not present; but all who were there and a number who were not there, with whom I conferred and who were familiar with the bill, were in favor of the measure.

Mr. McNARY. Mr. President, I was going to suggest, on the advice of one or two Senators who have spoken to me, that it might go over until the first thing tomorrow morning, in order that we might have time to look into it, and that we then consent to immediate action.

The VICE PRESIDENT. Objection is heard, and the bill will be passed over.

#### OHIO RIVER BRIDGE, WEST VIRGINIA

Mr. NEELY. Mr. President, House bill 9618, authorizing a toll bridge at Sistersville, W. Va., is on the clerk's desk. It is identical with Senate bill 3647, which has been favorably reported from the Commerce Committee of the Senate. I ask unanimous consent to substitute the House bill for the Senate bill, and then I will ask unanimous consent for the immediate consideration of the House bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from West Virginia? Without objection, the House bill will be substituted for the Senate bill.

Is there objection to the immediate consideration of the bill?

There being no objection, the bill (H.R. 9618) authorizing the Sistersville bridge board of trustees to construct, maintain, and operate a toll bridge across the Ohio River at Sistersville, Tyler County, W. Va., was considered, ordered to a third reading, read the third time, and passed.

Mr. NEELY. Mr. President, I ask that Senate bill 3647 be indefinitely postponed.

The VICE PRESIDENT. Without objection, the Senate bill will be indefinitely postponed.

#### ELEVEN POINTS RIVER BRIDGE, MISSOURI

Mr. CLARK. Mr. President, I move that the Committee on Commerce be discharged from the consideration of the bill (H.R. 9826) granting the consent of Congress to the State Highway Commission to construct, maintain, and operate a free highway bridge across Eleven Points River in



the northwest half of section 31, township 25 north, range 3 west, 8 miles northeast of Alton, on route B in Oregon County, Mo.

The motion was agreed to.

Mr. CLARK. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

#### BRIDGE OVER THE RIO GRANDE

Mr. SHEPPARD. Mr. President, from the Committee on Commerce, I report favorably the bill (S. 3788) to extend the times for commencing and completing the construction of a bridge across the Rio Grande at Boca Chica, Tex., and I submit a report (No. 1448) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the immediate consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Rio Grande at Boca Chica, Tex., authorized to be built by the Boca Chica Bridge Co. by an act of Congress approved June 10, 1932, heretofore extended by act of Congress approved March 1, 1933, are hereby further extended 1 and 3 years, respectively, from March 1, 1934.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

#### SAN FRANCISCO PEAKS TOLL ROAD, ARIZONA

Mr. SMITH. Mr. President, from the Committee on Agriculture and Forestry I report favorably without amendment Senate Resolution 234, and I ask for its immediate consideration. The Senator from Arizona [Mr. ASHURST] presented the resolution. No appropriation is requested. It simply authorizes negotiations looking to the purchase of a road.

Mr. McNARY. Mr. President, I understand that the resolution does not carry any appropriation.

Mr. SMITH. Not a cent.

Mr. McNARY. Has it been considered by the committee?

Mr. SMITH. It has been considered by the committee, according to my understanding. I do not recall, but I think it has been. It is a simple resolution.

The VICE PRESIDENT. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

*Resolved,* That the Secretary of Agriculture be requested to enter into negotiations with the San Francisco Mountain Scenic Boulevard Co. of Arizona for the purchase of the toll road to the summit of the San Francisco Peaks, in the Coconino National Forest, State of Arizona, under the terms of the stipulation entered into by said company on January 27, 1920, under the authority of the act of June 4, 1897 (30 Stat. 35).

#### THELMA LUCY ROUNDS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H.R. 3636) for the relief of Thelma Lucy Rounds, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist on its amendment, agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BAILEY, Mr. TRAMMELL, and Mr. CAPPER conferees on the part of the Senate.

#### RELIEF OF DEPOSITORS IN CLOSED BANKS

Mr. COUZENS. Mr. President, when the House of Representatives passed the so-called "Steagall bill" to provide for the relief of depositors in closed banks it was provided that the Federal Deposit Insurance Corporation should be the agency of relief. In conference that was changed to the Reconstruction Finance Corporation. The Reconstruction Finance Corporation in its operations is limited in the

amount it may loan to any one institution, which was not contemplated in the conference. To correct the situation the House passed a bill on June 13. From Banking and Currency I now report back favorably, without amendment, the bill (H.R. 9904) to amend section 5 of the public act numbered 2 of the Seventy-second Congress, as amended, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Michigan?

There being no objection, the bill (H.R. 9904) to amend section 5 of Public Act No. 2 of the Seventy-second Congress, as amended, was considered, ordered to a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That section 5 of Public Act No. 2 of the Seventy-second Congress, as amended, be amended by striking out the period at the end of the second paragraph thereof and inserting in lieu thereof a colon and the following: "Provided, That such limitation shall not apply to advances to receivers or other liquidating agents of closed banks when made for the purpose of liquidation or reorganization."

#### ARRESTS BY MEMBERS OF DEPARTMENT OF JUSTICE

Mr. ASHURST. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H.R. 9476) to empower certain members of the Division of Investigation of the Department of Justice to make arrests in certain cases, and for other purposes. The bill proposes to give to the Director and the Assistant Director, the agents, and inspectors of the Department of Justice the power to serve warrants and subpoenas under authority of the United States, so they may be served by other than United States marshals. It also empowers such officials to serve warrants of arrest where felonies have been committed, and in every case where an officer makes an arrest without a warrant he must immediately take the defendant before a commissioner.

Mr. McNARY. Mr. President, does the bill have to do with the matter of crime prevention, with reference to which the Senator has lately had several bills passed?

Mr. ASHURST. Yes. This is one of the so-called "anti-gangster bills." The bill has been reported from the Committee on the Judiciary, with an amendment. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arizona?

There being no objection, the Senate proceeded to consider the bill (H.R. 9476) to empower certain members of the division of investigation of the Department of Justice to make arrests in certain cases, and for other purposes, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 8, after the word "felonies", to insert the words "which have been committed and which are", so as to make the bill read:

*Be it enacted, etc.,* That the Director, Assistant Directors, agents, and inspectors of the Division of Investigation of the Department of Justice are empowered to serve warrants and subpoenas issued under the authority of the United States; to make seizures under warrant for violation of the laws of the United States; to make arrests without warrant for felonies which have been committed and which are cognizable under the laws of the United States, in cases where the person making the arrest has reasonable grounds to believe that the person so arrested is guilty of such felony and where there is a likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be immediately taken before a committing officer. Such members of the Division of Investigation of the Department of Justice are authorized and empowered to carry firearms.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

#### SHELBY J. BEENE AND OTHERS

Mr. LONG. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H.R. 5736) for the relief of Shelby J. Beene, Mrs. Shelby J. Beene, Leroy T. Waller, and Mrs. Leroy T. Waller. The bill was called the other day when the calendar was called, and was objected to by the Senator from West Virginia [Mr. NEELY]. That Senator has stated later that after investigation he has no

objection to it. The bill was unanimously reported from the Committee on Claims.

It involves a situation wherein an income-tax return was allowed to certain people whose writ of certiorari was denied by the circuit court, but as to the other claimants the Supreme Court held they were entitled to the refund. The bill has been very carefully considered by the committee and there is no objection to it. The Senator from West Virginia authorized me to state that he objected to it under a misapprehension.

Mr. ROBINSON of Arkansas. Mr. President, I am familiar with the bill. I think it is a meritorious measure and should pass. It is a simple act of justice.

The VICE PRESIDENT. Is there objection to the request of the Senator from Louisiana?

Mr. OVERTON. Mr. President, there is an amendment in the bill which should be rejected. The Senator who reported the bill stated that he had no objection to the rejection of the committee amendment. The House bill as it came to the Senate allowed interest to date of payment. The Senate committee adopted an amendment striking out the provision for the payment of interest. The amendment proposed by the Senate committee should be rejected and the bill passed.

Mr. KING. Mr. President, my recollection is that in former cases where refunds have been made there has been a denial of interest. It seems to me this is breaching the universal rule which has prevailed in the Senate with respect to refunds.

Mr. OVERTON. Under the act of 1933 interest is allowed on such refunds, and under a decision of the Supreme Court interest was allowed to the other 44 claimants who were engaged in the same transaction. These four claimants are the ones who were left out through an erroneous decision by the circuit court of appeals. The bill follows the decision of the Supreme Court and puts them all on exactly the same parity.

The VICE PRESIDENT. The Senator from Louisiana [Mr. LONG] asks unanimous consent for the immediate consideration of the bill. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 5736) for the relief of Shelby J. Beene, Mrs. Shelby J. Beene, Leroy T. Waller, and Mrs. Leroy T. Waller, which had been reported from the Committee on Claims with an amendment, on page 1, line 8, to strike out "together with interest at the rate of 6 percent per annum thereon in each case from December 28, 1929, to the date of making payment under this act."

Mr. LONG. Mr. President, I hope the amendment will be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was ordered to a third reading, read the third time, and passed.

#### PROTECTION OF REVENUE IN MANUFACTURE OF DISTILLED SPIRITS

Mr. KING. Mr. President, there has been reported from the Committee on Finance, favorably and unanimously, a joint resolution (H.J.Res. 373) to protect the revenue by requiring information concerning the disposition of substances used in the manufacture of distilled spirits. The bill passed the House sometime ago and came to the Senate. It merely provides protection to the revenue by requiring information concerning the disposition of substances used in the manufacture of distilled spirits. The bill was recommended by the Treasury Department to more effectively aid that Department in detecting violations of our revenue laws relating to spirituous liquors.

I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed, as follows:

*Resolved, etc., That every person disposing of any substance of the character used in the manufacture of distilled spirits shall, when required by the Commissioner, render a correct return in such form and manner as the Commissioner, with the approval of the Secretary of the Treasury, may by rules and regulations prescribe, showing the names and addresses of the persons to whom such disposition was made, with such details, as to the quantity so disposed of or other information which the Commissioner may require as to each such disposition, as will enable the Commissioner to determine whether all taxes due with respect to any distilled spirits manufactured from such substances have been paid. Any person who willfully violates any provision hereof, or of any such rules or regulations, and any officer, director, or agent of any such person who knowingly participates in such violation, shall upon conviction be fined not more than \$500 or be imprisoned for not more than 1 year, or both. As used in this joint resolution (a) the term "distilled spirits" has the same meaning as that in which it is used in title II of the Liquor Taxing Act of 1934; (b) the term "person" includes individuals, corporations, partnerships, associations, trusts, and other incorporated and unincorporated organizations; (c) "Commissioner" means the Commissioner of Internal Revenue; and (d) the term "substance of the character used in the manufacture of distilled spirits" includes, but not by way of limitation, molasses, corn sugar, cane sugar, and malt sugar.*

#### REGULATION OF TRAFFIC IN DISTILLED SPIRITS

Mr. KING. Mr. President, there is on the calendar a joint resolution (S.J.Res. 139) to protect the revenue by regulation of the traffic in containers of distilled spirits. The House has passed an identical House joint resolution, being the joint resolution (H.J.Res. 370) to protect the revenue by regulation of the traffic in containers of distilled spirits. I ask unanimous consent to substitute the House joint resolution for the Senate joint resolution and that the House joint resolution be placed upon its passage.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (H.J.Res. 370) to protect the revenue by regulation of the traffic in containers of distilled spirits was considered, ordered to a third reading, read the third time, and passed, as follows:

*Resolved, etc., That whenever in his judgment such action is necessary to protect the revenue, the Secretary of the Treasury is authorized, by the regulations prescribed by him, and permits issued thereunder if required by him (1) to regulate the size, branding, marking, sale, resale, possession, use, and re-use, of containers (of a capacity of less than 5 wine-gallons) designed or intended for use for the sale at retail of distilled spirits (within the meaning of such term as it is used in title II of the Liquor Taxing Act of 1934) for other than industrial use; and (2) to require, of persons manufacturing, dealing in, or using any such containers, the submission to such inspection, the keeping of such records, and the filing of such reports as may be deemed by him reasonably necessary in connection therewith. Whoever willfully violates the provisions of any regulation prescribed, or the terms or conditions of any permit issued, pursuant to the authorization contained in this joint resolution, and any officer, director, or agent of any corporation who knowingly participates in such violation, shall, upon conviction, be fined not more than \$1,000 or be imprisoned for not more than 2 years, or both; and, notwithstanding any criminal conviction, the containers involved in such violation shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for forfeitures, seizures, and condemnations for violations of the internal-revenue laws, and any such containers so seized and condemned shall be destroyed and not sold. Any requirements imposed under this joint resolution shall be in addition to any other requirements imposed by, or pursuant to, existing law, and shall apply as well to persons not liable for tax under the internal-revenue laws as to persons so liable.*

The VICE PRESIDENT. Without objection, Senate Joint Resolution 130 will be indefinitely postponed.

#### AMENDMENT OF BANKRUPTCY ACT—MOTION TO RECONSIDER

Mr. LONERGAN. Mr. President, yesterday the senior Senator from New York [Mr. COPELAND] entered and later withdrew a motion to reconsider the vote by which the bill (S. 3580) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was passed. I renew the motion to reconsider the vote by which the bill was passed. I merely desire to enter the motion at this time.

The VICE PRESIDENT. The motion will be entered.

#### TAXATION OF MANUFACTURERS OF FIREARMS

Mr. KING. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H.R. 9741) to pro-



vide for the taxation of manufacturers, importers, and dealers in certain firearms and machine guns, to tax the sale or other disposal of such weapons, and to restrict importation and regulate interstate transportation thereof. I believe the title sufficiently suggests the import of the bill.

The VICE PRESIDENT. Is there objection?

Mr. DILL. I object.

The VICE PRESIDENT. Objection is heard.

APPROPRIATIONS FOR THE UNITED STATES TARIFF COMMISSION  
(S.DOC. NO. 221)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting drafts of proposed provisions pertaining to the appropriations for the United States Tariff Commission, 1935, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE—PROMOTION OF FOREIGN TRADE  
(S.DOC. NO. 220)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year 1935, amounting to \$75,000, for the purpose of carrying into effect the provisions of section 4 of the act entitled "An act to amend the Tariff Act of 1930", approved June 12, 1934, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ADDRESS BY SENATOR DUFFY AT WISCONSIN DEMOCRATIC  
CONFERENCE

Mr. RUSSELL. Mr. President, I ask permission to have printed in the RECORD an able and informative address delivered by the junior Senator from Wisconsin [Mr. DUFFY] before the State Democratic Conference at Wausau, Wis., on June 9, 1934.

There being no objection the address was ordered to be printed in the RECORD as follows:

Fellow Democrats, I bring you greetings from one of the greatest of all Democrats—Franklin D. Roosevelt.

Just before leaving Washington I had the pleasure of an extended conference with the President, and, knowing him as I do, I am sure that he would have greatly enjoyed attending a splendid Democratic meeting of this kind.

I am personally greatly pleased at the enthusiastic response that Democrats from all over the State have shown in coming to this conference in such large numbers. The enthusiasm which you display is similar to that which is manifesting itself in practically every State in the Union.

I think that all of us here today are very proud that we are Democrats. No political party in this country for generations past has had the heavy responsibility thrown upon it as has the Democratic Party. The manner in which the Democratic Party in the Nation and the Democratic Party in the State of Wisconsin have responded to that responsibility can well be the cause of much joy on our part. Surely, the Democrats of both the Nation and the State have kept faith, and have courageously carried through for the benefit of the great mass of our people.

It is true that we have heard more criticism in recent weeks with reference to Democratic policies, but that is, indeed, to be expected. The fall campaigns are close at hand, and our good Republican friends must have something to talk about.

I do not claim that everything that the national administration has done has brought all of the results that might have been hoped for. Our great President very frankly took the people into his confidence at the beginning of his program and explained that some of the emergency program was experimental, and that he didn't expect to make a hit every time that he got up to bat. And yet there can be no question but that the great rank and file of the American people have confidence in our President and the Democratic national administration. I know that our Republican friends regret very much that the Literary Digest started its poll of public sentiment just at this time. There is scarcely anyone who now dares question the accuracy of Literary Digest polls, and the results so far published show the great majority of our people do appreciate the efforts of our great President and his administration to bring back happy days once more.

I need not recall to your mind the condition that faced this country just prior to the Democratic administration taking up the reins of office. The great majority of the people in this country showed at the last election that they were no longer satisfied to continue the drifting policy that had been in effect theretofore. They were not content to permit a continuance of those policies which seemed to be bringing us right to the brink of destruction and chaos, and so the people turned to the Democratic Party and to its great leader, Franklin D. Roosevelt. Our fellow citizens who had been bowed down by the years of depression, chilled with the fog of fear that had settled upon them,

doubting, many of them, even as to the soundness of our Government, turned to the Democratic Party and its leader with an anxious yearning, feeling of hope, and yet somewhat in despair as to whether anything could save us from going over the brink to destruction.

And in what a splendid manner that challenge was accepted by our party. Without hesitation and with great courage our leader mapped out a program. Some say it was revolutionary. Well, I for one am not so much afraid of the term "revolution" used in its proper sense. We have had some pretty fine revolutionists in this country, such as George Washington, Thomas Jefferson, Andrew Jackson. If a refusal to go down a path that is leading us certainly to destruction—if that be revolution—well, I am for it.

I need not recount the various parts of the legislative program which has done so much to start us back again along that road that we all want to travel. On March 2, 1933, almost on the last day of the Hoover administration, it looked as though the financial credit of this Nation was about to snap. On a small borrowing for Government short-time financing the interest rate had jumped from approximately one-eighth of 1 percent to  $4\frac{1}{4}$  percent, an increase on a percentage basis of nearly 3,000 percent. That meant only one thing—that the confidence of the American people in their Government must be quickly restored or all would be lost.

The morale of our people was at a low ebb. They were beset with all kinds of doubts and fears. Business in the country was practically at a standstill. But our President, with courage and wisdom and with marvelous vision, submitted his program step by step to a Congress that was for the most part willing to give him authority to carry out that program. Then we had in quick succession the banking legislation and the provision for the insurance of bank deposits up to \$2,500, so that there need in the future be no excuse for the hysterical withdrawal of deposits from our banks. The beer bill was put through which brought additional sums of money to the Treasury. Economies were effected in various expenditures of the Government—a measure that was absolutely necessary at the time when the financial credit of the Government was tottering.

One of the serious causes of loss of morale was that so many thousands, yes, hundreds of thousands of our fine American citizens were faced with the loss of their homes, and that through no fault of their own. Homes in the cities and homes out on the farm were in the same desperate situation. The home is the backbone of our civilization. Family life was seriously threatened by this impending disaster of foreclosures, and so the new leader, who is always sympathetic to those in distress, who is always willing to bend his energies to bring relief and comfort to those in need, laid down his program for refinancing of mortgages on homes, on the farms, and in the cities.

As an illustration of what has been accomplished in a very short time, I will say to you that in Wisconsin alone, up to June 1 of this year, 7,562 home owners who were in distress have had their mortgages refinanced to the extent of \$28,155,000. The figure to June 1 for the United States shows that 274,930 home owners in our cities have had their mortgages refinanced to the extent of over \$322,000,000.

What relief has been brought to the farmers in the way of refinancing their mortgages? In Wisconsin, since June 1 of last year, our farmers have received land-bank and commissioner loans of over \$33,000,000, and in the Nation 320,000 loans have been made to our American farmers in that same period of time for a total sum of \$800,000,000.

We have successfully stemmed the tide of farm-mortgage foreclosures which threatened agriculture at this time last year; while the lower interest rates, temporary postponement of principal payments and longer terms of amortization made possible by these loans have enabled thousands of farmers to resume normal farming operations, and at least up to the time that the drought disaster struck, farm land prices have gradually been increasing during the past year. Approximately 90 percent of the \$800,000,000 has been used by farmers to pay old debts owed in a large part to local creditors. Tax authorities have received \$22,000,000 of delinquent taxes, and due to the policy of scaling down debts of over-burdened farmers, it is estimated that the amount thus voluntarily scaled down and saved to American farmers is nearly \$50,000,000.

This, indeed, was a new kind of administration that had taken up the reins of our Government. It was thinking and planning for the benefit of the little fellow—the forgotten man. It had saved not only these hundreds of thousands of city homes and farm homes, but it immediately interested itself in trying to find employment for over 14 million unemployed American citizens. We had been going down hill as far as employment was concerned for a long time, even during the 1929 days of stock-market prosperity. It was hard to get started up the hill again, and yet through the N.R.A. and other work programs, employment has been found for between six and seven million of our unemployed citizens. In addition there is the Public Works program and other temporary relief expedients.

Yes, we hear considerable propaganda against the N.R.A. Some changes have been made, and other changes will be made in the future. It was very interesting to me, however, to know that Henry Ford was against the N.R.A., when I recall that the year before the N.R.A. became operative he lost \$75,000,000, while during the past year his losses had been reduced to less than four million.



But the point I want to emphasize, ladies and gentlemen, is that this country now has an administration with a heart, an administration that is sympathetic with those who are afflicted and in need, and you may rest assured that as long as the Government retains its credit, no man, woman, or child in this country shall starve.

When the administration sought to regulate the stock-market gambling, we encountered almost solid Republican opposition. Yet the testimony taken by the congressional committees showed such flagrant abuses, such downright robbery of the public, that efforts certainly were justified to prevent a repetition of that sort of thing.

We have just recently passed a law to permit the President to enter into reciprocal trade agreements, and again there has been a great organized propaganda put forth. Remember, our President, who has been given wide powers under this legislation, has the interest of America at heart, and any action that he may take will of course be designed only for the benefit of our citizens, and I for one am willing to place my utmost confidence in Franklin D. Roosevelt. I will give you just this illustration as to how it would work. Practically all of the other large nations of the world with whom we had trade under normal conditions have lodged in their executives the power to make such agreements. Heretofore we could not do so. Recently Germany needed some fats. This country has had a great surplus of lard. Our farmers would have been very happy to have had a market developed to take care of some of that surplus. In turn for some modification of quotas as to German beer and wine, we would have been able to have disposed of a considerable amount of these fats. But Germany couldn't wait until Congress could do something about it, and so she entered into agreements with Denmark and Holland, and we lost the opportunity of a fine market for one of our surplus agricultural products.

The Democratic Party in this administration is being accused by the old standpat conservatives of being too radical, and then there are other groups who say that the administration is too conservative, that it doesn't go far enough, all of which points out a very splendid lesson. If the extreme rights and the extreme lefts are both complaining at the same time, it is a very sure and certain indication that we are traveling along the center road—the safe road. The Democratic Party is the great liberal, progressive party, but it does not have any of the insanity fringe on its liberalism.

I can see no reason whatever why liberal, progressive, forward-looking people should not willingly and gladly enroll under the banner of the Democratic Party under the leadership of our great liberal, Roosevelt, and by their united efforts make certain that the great liberal program of that great leader and his party may be carried to a successful conclusion. Lip service is not sufficient. This is a case where actions speak louder than words.

There may be some who say there are certain things about the Democratic Party or the way that our party has been conducted that they do not like or of which they do not approve. It seems to me that their course should be clear; if there is any change which should be made, they should join with us and help us bring about any such changes as may be desirable. We should welcome them with open arms.

The Democratic Party is of course the oldest political party in existence. It has a splendid background; it has a marvelous record of achievements and accomplishments in the interest of the great mass of our people. It has a program laid out that should inspire the confidence of all liberty-loving people that want to see our great Nation continue and prosper. It is not, however, traveling in any deep rut worn in the bygone generations.

As an illustration of how it willingly faces new obstacles and sets about to solve new problems, let me call your attention to the drought situation. On September 7 last, in this city of Wausau, I met with the county agents and representatives of 14 counties, which even then had been sorely afflicted by the drought. At that time from 75 to 90 percent of the dairy farmers were already feeding their dairy cattle. Away back last September pastures had been practically eliminated, and grain crops which could be used for feed were only from 10 to 30 percent of normal.

I immediately communicated with the proper authorities at Washington, and immediate action followed with the result that many thousands of Wisconsin dairy cattle were kept alive during the winter months with feed that was furnished by the Federal Government; Wisconsin was the first State to receive such assistance. Of course, we know the sad story of this spring and early summer. Not only was it a condition in Wisconsin but likewise in a number of other States, 16 of which are now classified as being in the emergency area. When we called upon Harry Hopkins, Director of the Federal Emergency Relief Administration, and explained that we should like to have the Government gamble a million and a half dollars to enable our farmers to purchase quick-forage crop seeds, such as millet, sudan grass, soybeans, etc., his answer was immediate, and today there has been made available for farmers in the Wisconsin drought-stricken areas, who have no other means of credit, the sum of a million and a half dollars. In addition to that, the Government has been, not only during the winter months but continually through this spring, buying feed for Wisconsin dairy cattle, and in this month of June over \$600,000 of the Federal Government money will be spent in Wisconsin for that purpose.

Contrast that attitude with the previous administration in the case of Arkansas, which in 1930 was afflicted by a serious drought. It was nothing short of disaster, and yet they had to argue about it for 8 weeks while not only farm animals but human beings them-

selves were starving, and then after that long delay while some measure of relief was brought to the farm animals, it was a declared policy of that administration that it was unnecessary for the Federal Government to bring aid and assistance to those human beings.

I want to say to you, my fellow Democrats, that in these unfortunate times when there has been so much of distress and hardship throughout the land that it is a mighty fortunate thing, indeed, that we have an administration that is so sympathetic with the problems of those in distress and who will not hesitate to take prompt action to do everything possible to bring about necessary relief. Why should not all the citizens of this State and of other States that are liberty-loving and liberal in their tendencies—why should not they join hand in hand and work shoulder to shoulder in the party of that great President of ours, making his road a little easier to travel, making his burden a little easier to bear?

While I have discussed this situation from a national viewpoint, I know that we can all be very proud of the splendid record the Democratic State administration has made under the leadership of our highly respected and beloved Al Schmedeman. I wonder if the people of Wisconsin realize what a great benefit it is to them to have a State administration entirely in sympathy with the national administration. The cooperation that we have received from the State administration has been 100 percent. When an emergency arises, there is no holding back by the State administration or a failure to cooperate prompted by petty political considerations, but the two administrations being fully in sympathy with each other and willing to cooperate with each other to the greatest possible extent works a tremendous advantage for all of the people of Wisconsin.

#### MEMORIAL DAY ADDRESS BY SENATOR M'CARRAN

Mr. CLARK. Mr. President, I ask unanimous consent to insert in the RECORD an address delivered by the Senator from Nevada [Mr. McCARRAN] on Decoration Day.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

My fellow countrymen, on the occasion of the renewal of our pledge on this hallowed spot, we assemble today and proclaim: "Faith is the fortress of our future." Faith has been the foundation stone of civilization; faith has been the foundation of democracy; and faith is the filament cementing the fragments of mankind's progress.

Surrounded by this shrine, gazing backward into the world whose spirit carries us on, we assemble today, the young and the old alike. Youth, with its mind centered on hope, and age with its memories, looking back over generations. In the grasp of age and youth a national destiny is poised. These silent stones, these moldered mounds, constitute the inspiration in which the youth of a nation finds itself securely centered. This hallowed ground, dedicated by a nation to its dead, had its inception in an historic event.

On a fateful evening, as the golden moon rolled silently from the east, a great man paced back and forth from yonder mansion and while he paced and while his peace-loving spirit strove to make a decision, armies assembled; colors were thrown aloft; and the spirit of war was in the air; but, more than that, the destiny of western civilization was in the making. Robert E. Lee was deciding for himself as he walked the pathway that he loved. Little he knew that he was, in that moment of silence, fixing the fate of a nation and confirming its solidarity for the recognition of the civilized world. The ground that Robert E. Lee loved is now the resting place of martyrs who made the Nation.

The struggle that followed his decision brought forth from the soul of Robert E. Lee, following the event at Appomattox Court House, the expression, "Let peace be uppermost in our endeavor." The struggle between the army of the North and the army of the South resulted in a greater thing than that which was depicted or emphasized by the simple expression of the great general of the defeated cause; it brought the recognition of mankind to a cemented democracy, grounded in the principles of popular rule, which had stood the test of its own fraternal strife and had come forth triumphant. From beneath the furled banner of the South and the elevated banner of the North there came, and still prevails, the glory of a perpetuated constitutional government.

The great army that gave its virility and its strength under Grant, Sherman, and Sheridan, is today represented by but a few who come to pay reverence and respect to a glorified dead, but its achievement is represented by an everlasting institution crystallized through their sacrifice. To those assembled here who carried the banner adopted by Washington, revered by Jefferson and Hamilton, and held aloft fearlessly by Lincoln, not only does a nation pay homage and respect, but the whole advancing world pays reverence.

The close of our internal strife gave notice, written in fraternal blood, to the nations of the earth that individual human liberty had found its place and enshrined its faith in the Western Hemisphere, for the guidance of a determined people resolved upon furthering human achievement and finding human contentment.

Great achievement for man's uplift has always involved immeasurable heartaches and sacrifice. Witness the glory that has flown from the humble summit of Golgotha. Witness the splendor of a Nation united and powerful, recognized from pole to pole, and growing from the surrender of the sword of Lee to the hand of Grant. As the conqueror took the sword from the surrender-



ing soldier, each pledged his faith to peace and unity, and a doubting world abroad, that had looked for the destruction of this great union of States, was disappointed. The spirit of Jefferson, the character of Hamilton, and the foresight of Marshall rose again.

From time immemorial and so long as history has lent its records, the old and established have given themselves reluctantly to recognition of the new; but when the companies and divisions clad in blue, carrying the banner of the Republic of the New World, marched up Pennsylvania Avenue at the close of the Civil War the seal of security was so affixed to the democracy of the west that the seats of the mighty, whose reign had been recognized down the avenue of the ages, gave heed to our existence; and the mingling blood of the soldiers of the North and those of the South fixed our destiny in a perpetuity never to be destroyed save and except by our own hand.

Appomattox Court House was the keystone in the ark of the covenant, as Gettysburg was a challenge to the world. Out of both of these great historic events, commemorated in these surroundings, the organic law, written in hours of peace and hope, came forth, poised triumphantly on the banner of the Republic. That achievement, with its glories, with its triumph, is today the uppermost accomplishment in the mystic spirit world of our military dead, whose memory we revere here today within their very midst.

From the day this garden was first dedicated, to the present time, wars have been twice declared. The call to arms was made—never in the spirit of conquest—always in a spirit of defense—forever with the thought of carrying forward the ideals written into that immortal document framed by Jefferson, who recognized the heartbeats of the lowly and the humble, and by Hamilton, whose tendencies led him to believe that human hearts in their most lowly estate could best be protected by a strong centralized government. We who are assembled here today in memoriam, give thanks that to the Western Hemisphere and to our country in particular came these two great contending, yet attaining spirits, from whose thoughts and unselfish motives were built the words of guidance which the world has recognized and which we revere—the organic law—the rudder of the ship of state.

My fellow countrymen, the struggles that took place in our wars was no less demanding of courage and resolve than that which confronts the America of today. What Gettysburg was to an internecine struggle, from whence the lines of our Constitution became a perpetuity, the present hour is to those who live. The memorable strife on the Argonne—in which strife our banners went over the crest of the trenches—is comparable to the battle in which you and I, as component parts of a citizen soldiery, are today engaged to preserve our institutions for our country's future. The rights of free men were never achieved save by human sacrifice. The advancement of civilization was not accomplished in a sudden stride. History records epochs where the intervention of wars by force of arms or wars by theories and reforms were fostered by conditions seemingly insurmountable. Unemployment and want are the parents of discontent; discontent may forget past history and may marshal its forces for unproportioned change. If today the organic law that brought unity out of chaos, crystallized by the blood of martyrs in 5 long years of human strife, is being tested and its limitations tried, our faith must be marshaled and our fortitude enlisted. We, the citizen soldiery of today, are the descendants of the soldiers of the past. The array that may threaten the security of our foundation is not a uniformed army. If it were, we might recognize our foe.

The forces of reform against our institutions may come from afar and may challenge without a declaration of war. It sends the emissary of propaganda to tell us that the strength of democracy is disintegrating, that the principles for which our patriots struggled and died belong to an age of the past, that the doctrine of popular government fails to meet demands of the present day, and that the instrument written by Jefferson and Hamilton and expounded by Marshall no longer is possessed of the spirit and the profoundness that caused men to give their lives for its preservation and resulted in these sacred tombstones that surround us. Discontent might furnish a vantage ground for inroads to hungry hearts, but the faith of the fathers, as the minutemen of old, must be alert and militant.

The victories accomplished by our armed forces of the past must be duplicated by the victories of resolute civil forces in the future. Our place in the front rank of nations was assured to us by these, our honored dead, and by the results that they achieved; but our place in the front rank of nations entails a responsibility, the weight of which requires and demands the heroism and steadfastness of the living. The achievements of our armies of the past were accomplished to make certain that individual human liberty should have its place within the borders of our Nation, there to rest upon constitutional guaranty.

We boast no military strength to inspire the fear of mankind, but our armed force should at all times be such as to command the respect of the outside world; and at home the uniform of America is a badge of honor and a commanding symbol of a nation's call. Those who enjoyed the accumulation of wealth and the pleasures of peace by the effort of marshaled militant youth should succor and support the service-afflicted who return from the battle.

We make no claim for a mastery of the seas, yet our Navy should be such as to carry our flag over the waters of the world to inspire love and respect, where other flags may inspire fear. Our national destiny and the inherent strength of our position

in civilization requires no entanglements with the affairs of others, yet our hand may ever be outstretched to lend assistance to the afflicted of the earth.

The means and sustenance put forth by other countries for the maintenance of overwhelming armies, we can well use for our internal improvement and the making of opportunity for our citizenry to maintain itself so that courage, tranquillity, and contentment may grow in the hearts and minds of our millions, and that honesty and toll may find an opportunity for continuous endeavor.

On each succeeding Memorial Day, assembled at the resting place of our soldier dead, our national conscience should take an inventory of itself. Inspired by the memory of warriors and the cause for which they fell; reading the history of our past on the tombstones of our beloved dead; reviewing the historic incidents that gave rise to the national declaration of war, we may well take our bearings, review our chart, and set our sail with a renewal of the pledge we gave when our armies marched away to bare their breasts to the foe. The birthplace of democracy in the western world must be maintained as the nurtured ground of an evermore persistent democracy in the ages that belong to our future.

Theories of government will in the future, as in the past, come and go; great waves of reform growing from the best of human thought will ebb and flow; great powers and countries, far remote, will beckon and entice this Nation, that its powers and possibilities for achievement may intermingle in their affairs. But notwithstanding the avalanche of theories and reforms, and after taking from them the best they offer, our Government will gain strength by adhering to its own institutions. From the invitations of foreign powers we will gain the respect of the world by following the teachings of the Father of our Country and remaining respectfully aloof.

By keeping in mind that the nation that governs least governs best, and maintaining the law-making power securely in the people of the several States, and by affording to the lowly and the humble the opportunity for honest effort, we will demonstrate the true mission of democracy in the midst of mankind; and, as each year we pass from out the scenes that surround us here today, may we renew the pledge and say to the spirits of our honored soldier dead:

The giving of your lives was not in vain; with your sealed covenant we break no faith; from your warrior hands we take the torch and hold it high, that in its flare and blaze and light the flag you loved and the principles for which you fought, may be indelibly emblazoned on the horizon of our national future. The constitutional democracy that you, by your sacrifice, sought to perpetuate, shall be carried on and we, who survive you, here and now in this, a moment of great national trial, pledge to you, in your name and by your sacrifice, and with the help of Almighty God, to carry on to the end that these United States shall forever be the home of free men, the hearth of mankind's greatest development in democracy's name; and that the organic law for which you strove shall continue to be our text and tenet.

#### CANAL ACROSS FLORIDA

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Washington Herald of June 13 entitled "A Canal Across Florida."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Herald, June 13, 1934]

#### A CANAL ACROSS FLORIDA

By Sumter L. Lowry, Jr.

Why delay the building of the Gulf-Atlantic Ship Canal across the State of Florida? If there is a single project that fits all of the requirements of the President's public-works program, it is this Florida ship canal. It will put 30,000 men to work, will pay a fair return on money invested by the Government, and, above all, it can be started almost immediately.

The canal can be completed in 4 years and will be of direct financial benefit to a large portion of our people. All preliminary investigation has been completed. Army engineers have finished 2 years of intensive study and work on the physical survey. The route has been definitely determined by them (by way of St. Johns River, Ocklawaha River, Withlacoochee River to the Gulf of Mexico); the type of canal and the number of locks have been decided, and all engineering data have been compiled. The canal is ready to be started when our Government gives the word.

This Florida canal presents no major engineering difficulties such as were present at Panama. There are no deep cuts to be dug, no hard rock to be removed, no slides to contend with, no problem of mosquitoes and disease to overcome. Just a mass movement of earth, easily done, yet requiring the employment of a large number of men. The Florida canal will be built wholly within the United States. Compare this with the problem of building the Panama Canal in a foreign country 1,500 miles away from its source of supplies. Also, every dollar spent in the building of this canal will remain in the United States and be put in circulation over and over again for the benefit of our own people.

When this canal is complete it will end 100 years of effort to effect a passage from the Atlantic Ocean to the Gulf of Mexico without taking the long and hazardous trip around the Peninsula and through the Florida Straits. Time for the round trip from



New Orleans to New York will be cut  $2\frac{1}{4}$  days and the distance cut by 783 nautical miles. Galveston shows a saving of 2 days in time and 731 nautical miles; Mobile  $2\frac{1}{4}$  days and 807 nautical miles; Gulfport  $2\frac{1}{4}$  days and 791 nautical miles.

Few people realize the vast importance of the Gulf-Atlantic canal to the Nation at large. It actually will tend to shift population from the cold regions of the North to the warm climate of the South by opening up the iron and coal regions of Alabama and Tennessee and by building up our cities along the Gulf and lower Atlantic seaboard. Cheap water rates will do this.

The living expenses of every man east of the Rocky Mountains would be lowered by the opening of this short cut from the Gulf of Mexico to the Atlantic Ocean.

The canal would be about 125 miles long. It would be dug to a depth of 33 feet and a minimum bottom width of 250 feet, large enough to accept more than 95 percent of the traffic now entering the Gulf of Mexico. Engineers appointed by the Public Works Authority to investigate this project estimated that the canal could be built for about \$115,000,000.

Railroads serving the Gulf, Mississippi, and South Atlantic States would be directly benefited by the increased haul of commodities to Savannah, Pensacola, Mobile, Houston, Jacksonville, New Orleans, Galveston, and other cities. They would go forward and prosper in direct proportion to the growth and prosperity of the territory that they serve.

The importance of this canal to the Navy and to national defense alone would justify its building by our Government. In the event of war, the Gulf of Mexico would be made secure for our own commerce and closed to the ships of our enemies with little effort on our part. The narrow straits of Florida and the Yucatan Channel are the only means of entrance to the Gulf of Mexico. A mine field and submarine patrol at those two strategic points would close the Gulf to enemy ships, while the Florida canal would give a safe and quick passage for our own ships.

War supplies of oil, cotton, and minerals from the Gulf and Mississippi States could be transported by water to the manufacturing area of the North Atlantic with speed and safety through the Florida canal. The canal would be of sufficient depth and breadth to permit the passage of all except a few of our largest warships. Naval vessels would find it a safe and easy route, without the dangerous trip through the straits of Florida and exposure to enemy bases in foreign islands south of the Florida Peninsula.

By closing the Gulf to enemy ships the defense of our coast line would be shortened 1,000 miles. Defense of the canal against enemy attack would be simple, since it would present only two vulnerable points, its locks—one near the western terminus and one about 60 miles from the eastern terminus. A concentration of our own air forces at these two points would overcome any effort to destroy the canal. There is nothing more vital to the American people than national defense. The Gulf-Atlantic Canal is worthy of construction for this reason alone.

Earlier Government surveys for this Florida short-cut were based upon a waterway to accommodate barge traffic only. But of late the proposal is for a ship canal capable of giving passage to ocean-going steamers. The route has been left entirely in the hands of disinterested Army engineers, who make use of natural water courses wherever feasible.

At present there is an inland water route for small craft along the Atlantic coast from Maine to California, and another along the Gulf of Mexico from Florida to the Rio Grande, tapping the vast Mississippi system. This new link would connect the two.

The vast amount of money being poured out by our Government for rehabilitation gives a splendid opportunity for the construction of this canal. The Public Works Authority has stated that the building of this canal is an "economic necessity to the Nation." Our President has indicated his interest, and construction at this time would be a lasting monument to him and serve also as a constant reminder to future generations of his service to the Nation as its Chief Executive.

The canal fills every requirement. It has passed every test. Why not let the work commence?

#### CONDITIONS IN RUSSIA—ARTICLE BY ZARA WITKIN

Mr. GORE. Mr. President, I request unanimous consent to have printed in the Record an article from the Kansas City Star containing a statement by an engineer in regard to engineering in Russia.

There being no objection, the newspaper article was ordered to be printed in the Record, as follows:

[From Kansas City (Mo.) Star, May 28, 1934.]

**MUCH WASTE IN RUSSIA—ZARA WITKIN, AN ENGINEER, TELLS OF GOVERNMENTAL WEAKNESS—MISMANAGEMENT AND LACK OF INITIATIVE RESULTING FROM CENTRALIZATION A SERIOUS HANDICAP TO INDUSTRY, HE SAYS**

Zara Witkin, an engineer, spoke to a group gathered at the Liberal Center last night of his observations while in Moscow.

"Russia today enjoys a dictatorship and censorship that is one of the most stringent in the history of the world", Mr. Witkin said. "Few outsiders know anything about the real Russia. The vital results of the Soviet program are hidden from view. A newspaper correspondent who wishes to hold his job must obey the dictates of the foreign office. I believe I can say without fear of exaggeration that 99 percent of the reporting of events and conditions in Russia may be thrown into the wastebasket, and that includes books written about the country."

#### CRITICAL OF CONSTRUCTION

The 5-year plan, which many outsiders consider as one of the great construction projects in history, was deflated by Mr. Witkin. The amount of construction done in the whole 5-year period was only equal to the amount done in the United States in two-thirds of one of the typical years between 1922 and 1932, he said.

"Russia is characterized by its appalling amount of waste", Mr. Witkin said. "There exists in Russia today unparalleled mismanagement and a disturbing lack of initiative. These weaknesses are derivatives of the present political system. The Government is so centralized that every engineer is afraid to make any decision on a matter of construction until he hears from someone above him. The countless delays which arise from such a situation make any sustained cooperative building effort impossible. It is this lack of initiative on the part of its engineers that is the most serious handicap to Russian industry today."

But when Mr. Witkin came to speak of the Russian Army in answer to a question by some one in the audience, it was a glowing picture he painted.

"The Red Army today is the largest and best equipped in the world", he said. "It knows that its business is to kill and be killed. There is no sham, no false sentimentality about it. The soldiers are fed before anyone in order that their condition may be perfect."

If Russia is to go forward, it must improve its agricultural system, Mr. Witkin believes. Since 1928 its population has been increasing, but the grain crops have declined, he pointed out, adding that it was estimated that in 1932 and 1933 between 5,000,000 and 8,000,000 Russians starved to death. But, according to Mr. Witkin, the amazing thing in connection with this wholesale starving was that the Government could have prevented many of those deaths if it had so desired.

#### REXFORD G. TUGWELL—EDITORIAL FROM KANSAS CITY STAR

Mr. CLARK. Mr. President, I ask unanimous consent to have printed in the Record an editorial from the Kansas City Star of June 12, 1934, on the subject of the confirmation of Dr. Tugwell.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Kansas City (Mo.) Star, June 12, 1934]

#### A HINT TO PROFESSOR TUGWELL

In his address before the American Economic Association in 1931 about which he was questioned by a Senate committee yesterday, Prof. Rexford G. Tugwell described with enthusiasm the advantages of a nationally planned economy.

The system of private profits, he said, was no longer needed; it was "demoralizing." Indeed, he expressed "wonder that society could operate at all under a system motivated by private profits." In a book published this spring he elaborated the same ideas. "On every hand", he said, "we see the conflict of interest between social well-being and profit seeking."

In order to get away from these evils of the profit system, national planning, he said, was necessary. "To act in the public interest, we must plan on a national scale."

In his address he considered at length what such planning would involve, and pointed out that under it business as we know it would disappear. "Everything" he said, "will be changed." Such revolutionary changes, he admitted, would be resisted. So, planning must come gradually. "It would begin with small un-noticed changes." It would end with our "not being able to resist vast and spectacular ones."

In the examination yesterday Senator Brand asked the professor if he contended he did not intend anyone to believe he favored planning. "No, sir; and no one did", the witness responded.

This answer will be taken by most persons who read the address of 1931 and Professor Tugwell's latest book as considerably less than candid. Both convey the impression to the average person that the professor was enthusiastic for national planning. As the Star sees it, Mr. Tugwell's most effective explanation would have been along these lines:

"It is true I have made extreme statements which I now wish I hadn't, about national planning as the way to correct economic evils. I thought, as I said in my book, that 'Russia has shown that planning is practicable.' But my writings mustn't be taken too seriously. I was just putting out the usual sort of college thesis, and everybody knows what a college thesis is. My experience in office has demonstrated to me that we shouldn't be too brash about revolutionary changes. I think now we can do a certain amount of planning, but we can't move faster than public sentiment will permit and we must move cautiously and be ready to stop if we find things aren't working out as we had expected."

But perhaps it would be too much to expect any such frank confession. It is human nature for a man to insist he was misunderstood rather than to admit he was wrong.

#### FEDERAL CHILD-LABOR AMENDMENT—ADDRESS BY WILLIAM D. GUTHRIE

Mr. METCALF. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD an address by William D. Guthrie, vice chairman of the New York State Committee Opposing Ratification, at New York, before



School of Politics, Women's National Republican Club, Monday, May 7, 1934, on the subject of The Federal Child Labor Amendment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

It is indeed a privilege to address such a body as this patriotic and nation-wide political club, and that too, upon so vitally important and far-reaching a subject as the proposed Child-Labor Amendment to the Constitution of the United States. A great inspiration and a very hopeful encouragement are springing from the fact that American women of both parties furnish ample evidence that they reverently cherish, as we men do, the form of federal government which is our great political heritage from Washington and the other Immortal Founders, that they, likewise, are determined, so far as lies in their power, to defend and perpetuate the fundamental principles of our National Constitution, and that they will oppose innovations tending to undermine the governmental functions and responsibilities of the States in our Federal system and their right to local self-government.

In reviewing the merits of our federal system, Lord Bryce, in his famous "American Commonwealth", declared that Federalism with us supplies a better means of developing and governing our country than could be expected under a centralized government, "that it prevents the rise of a despotic central government, absorbing other powers, and menacing the private liberties of the citizen", and that "the more power is given to the units [i.e., the States] which compose the Nation, be they large or small, and the less to the Nation as a whole and to its central authority, so much the fuller will be the liberties and so much greater the energy of the individuals who compose the people." Washington in his Farewell Address admonished us that we should "resist the spirit of innovation upon its principles, however specious the pretexes", and that alterations may "impair the energy of the system and thus undermine what cannot be directly overthrown." And Alexander Hamilton declared that "it must be utterly repugnant to this Constitution to subvert the State governments."

There are very many who profoundly believe that the inevitable tendency and effect of the proposed Federal Child-Labor Amendment, if ever ratified, would be to undermine in a very broad field of governmental activity, power, duty and responsibility the distinct and separate character of our States and our right to local self-government. That is why the amendment was overwhelmingly rejected in 1924 and 1925 by 35 State legislatures. In dealing with all persons under 18 years of age, we are affecting at least one-third of our population and reaching into most of the households and homes in the several States.

There is no political issue now pending before the American public that is of more vital and permanent importance, or which may more deeply or more widely affect the future welfare of our country than this proposed constitutional amendment. There is, however, disagreement and controversy with regard to the purpose and intent of its framers in 1924, when it was proposed, as well as with regard to the true meaning and scope of its language and its legal construction and effect if made part of the Constitution. Similar irreconcilable differences are often the case with questions relating to political issues and innovations, as with religious controversies over faiths and dogmas. The campaign for and against ratification has unfortunately developed some asperity of temper and some recklessness and inaccuracy of statement. Armfuls of alleged raw and harrowing statistics are thrown into the faces of opponents, and propaganda estimates and computations too often are gross and misleading exaggerations. Unfortunately, as Judge John Bassett Moore, recently a member of the Permanent Court of International Justice at The Hague, has just declared in a public statement opposing ratification, "public controversies usually are waged more by epithet than by argument." Recent striking examples will readily occur to you.

My present discussion of the proposed Federal Child-Labor Amendment must necessarily be limited principally to the legal questions which it presents for your consideration and decision. When your President invited me to address you, I suggested that it might be more satisfactory to the members of the club if some one else were chosen who would be likely to be interesting in discussing the amendment from a more general and nonprofessional—I will not say popular—point of view than what it has pleased some of my critics to characterize as my legalistic and technical arguments. But your President replied that the club was inviting me because it wanted to hear a legal argument. It was thus wisely recognized on your behalf that a proposed amendment to our National Constitution primarily presented a distinctly and essentially legal question of constitutional law and that it should be treated as such. In other words, I understood that you wanted to hear a legal analysis and a legal exposition of the meaning, intent, effect, and scope of the proposed amendment, so that you might thereby be aided in determining whether or not it was too comprehensive and far-reaching and whether or not such a power should be granted to Congress.

Every State now has a child labor law for the protection and safeguarding of its children and youths, differing according to local conditions and needs and according to the differences existing among the States covering so vast an empire. Some of these States have no mines, some little or no manufactories, some no slums, some no such congestion, poverty and misery as is to be found in the great cities. Every State but one prohibits children under 14 from being employed in factories. That one State is Wyoming, but it does not permit children to work during school

hours, and is not a mining or a manufacturing State. Forty-two States exclude children under 16 from work in hazardous occupations. Thirty-eight States limit the industrial work of children to 8 hours a day. All but four States prohibit night work for those under 16.

Every State now has compulsory school attendance, usually for the entire session for those up to 14 years of age. In 40 States the requirement is 16 years of age, although a child is generally allowed to commence working at 14 if absolutely necessary, but it must go to a continuation school if there be one in the vicinity. Forty-four States require an educational minimum before a child may begin to work for hire, and 25 require a physician to pass on a child's fitness for work.

Furthermore, the States with their varying climatic, racial, and economic conditions, resources, needs, and customs, can frame child labor laws far better suited to their individual and local necessities and conditions than any uniform Federal measure that could ever be devised, or any possible Federal standardization could effect. The progress of the States toward safeguarding the welfare of children has been very great and unprecedented during the past quarter of a century, as anyone can readily ascertain by examining the laws of the States and the Census of 1910, 1920, and 1930.

The intent and purpose of the proponents and framers of the proposed Child-Labor Amendment were clearly, and it seems to me indisputably, to vest in Congress unlimited and supreme power over the labor of all persons under 18 years of age throughout the United States, the Territories, and the Insular Possessions; that is to say, over all the children and youths in a population of more than 140,000,000 inhabitants, with great diversities of climate, products, economic conditions, local resources, local needs, and local problems.

It is the settled rule of constitutional law that the intent, purpose, and effect of an amendment, in other words, its construction, must be determined by its language if plain and clear and by the intent and purpose of its framers when it was submitted to the State legislatures for ratification or rejection, and not by some different, limited, or more reasonable and restricted intent and purpose later avowed or promised by those urging and seeking ratification. Hence, the controlling factor in considering the Federal Child-Labor Amendment is not what moderation or reasonableness is now intended or professed or promised, but what was intended in 1924, when this amendment was proposed by Congress. That intent alone is to be ascertained and will be controlling.

The rule has likewise long been settled that, when the language of a constitutional provision is plain, it controls and determines its legal intent and effect, that there is then no room for conjecture, and, stated in other words, that it must be held to mean and intend exactly what its language clearly says. It has further long been the settled rule that any general power expressly vested in Congress by the Constitution is complete in itself, that it "may be exercised to its utmost extent", that it "acknowledges no limitations, other than are prescribed in the Constitution", and "if it may be exercised at all it must be exercised at the will of those in whose hands it is placed." I say that these rules of construction are long settled because I have quoted to you the very language of Chief Justice Marshall speaking for the Supreme Court more than a century ago, and this language has ever since been recognized as expressing the true rule of construction and is authoritative.

The proposed Federal Child-Labor Amendment has no title, and the word "child" is not to be found in it. As matter of fact, some of its main and underlying objects are not to protect and safeguard the health and morals of children, but to prevent competition with adults and to standardize conditions and regulate commercial competition.

Its text is as follows, and must always be borne in mind:

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by Congress."

Surely, no language could more plainly or clearly grant to Congress absolute, unqualified and unrestricted power over the labor of all persons under 18 years of age, and, what is particularly important, not only over children 14 years of age and under, but over all the youths of the country male and female between 14 and 18, who cannot properly be classified as children. They are legally youths—not children.

The history of the amendment while pending before Congress clearly demonstrates the broad intent of its framers and, if consulted, will render quite plain its purpose as understood and intended in 1924. When passed it was not in the same language as when originally proposed. I shall discuss some of the changes so as to emphasize that the ultimate intent and purpose were not as now professed by the leading advocates of ratification.

For example, the word "children" was originally proposed, and one would think was quite essential in any alleged child-labor amendment. However, the framers were advised by counsel that youths, male and female, between 14 and 18 years of age could not legally be classified as children, and the word "persons" was thereupon substituted because much broader and more comprehensive and far-reaching. As one of the principal purposes of the promoters and supporters of the amendment, and particularly of the American Federation of Labor and other labor organizations, was to prevent competition of all American youths with adult



labor, this change was made from "children" to "persons" to accomplish that purpose.

The word "prohibit" was added in order to obviate an assumed limitation upon the meaning of the word "regulate", namely, that a regulation must be reasonable. The proponents of the amendment were being advised by distinguished lawyers and professors of law, and, therefore, the particular significance of any changes made and the addition of the word "prohibit" cannot be minimized. These lawyers must have been well aware of the decisions of the Supreme Court to the effect that the verb "to regulate" in the Constitution conferred power to prohibit, but not an unqualified and unlimited power, and they must have advised that if it were intended to seek power not only to limit and regulate, but to go further and beyond and absolutely prohibit the labor of persons under 18 years of age without qualification or limitation of any kind, the express power to prohibit would have to be added. As learned and able lawyers and professors, they must have advised that the addition of the word "prohibit" was essential to accomplish any such drastic and unrestricted purpose, and they undoubtedly had in mind the settled doctrine of the Supreme Court that every word in the Constitution of the United States must be given effect and no word treated as unmeaning and mere surplusage, and hence that "prohibit" would necessarily imply and mean more than "limit" or "regulate."

It was originally proposed to grant to Congress the power to limit and regulate the employment of children, following in this respect the two Acts of Congress of 1916 and 1919 which had been declared unconstitutional and void by the Supreme Court, both of which statutes used the phrase generally to be found in State child-labor statutes, namely, "employed or permitted to work." The promoters of the amendment had the word "labor" substituted for "employment" undoubtedly because they were advised that the word "employment" might be construed to imply "hired for pay" within the currently accepted general meaning that when a person is said to be employed, it implies work or service for another and generally for pay. As, however, it was the intention of the framers of the amendment to reach right into the homes where children, as the Chief of the Children's Bureau in the Labor Department testified, "often work with their parents without pay and hence are not on the pay roll", they objected to the word "employment" as too restrictive. This was candidly avowed and testified under oath by the Chief of the Children's Bureau, as the CONGRESSIONAL RECORD shows. The word "employment" was, therefore, discarded, and the broader term "labor" substituted in order to cover beyond question the work of children and youths for their parents in the home and on the home farm. The Chief of the Children's Bureau further testified that the general authority they were seeking would include "power to regulate labor upon the farms and in agriculture", and she added "just as much regulatory power as to farming as mines or any other work or occupation" and "would make no exception at all." I am quoting her language.

Such were the purpose and intent avowed by the framers of the amendment in 1924, without any qualification or limitation or restriction whatever, as you will readily and irrefutably find in the CONGRESSIONAL RECORD.

Yet, now, 10 years afterward, the Secretary of Labor, Miss Perkins, and the Secretary of Agriculture, Mr. Wallace, are publicly asserting the direct contrary. Thus, in an article recently published in the New York Times the Secretary of Labor endorsed as correct, cited with approval, and gave support and currency to the following statement:

"The amendment gives Congress power only over the labor of children for hire, and nothing else. It would not give Congress power to send inspectors any place except where work for hire was being carried on, and therefore Congress would have absolutely no power to send inspectors into families, schools or churches any more than it has now."

And equally erroneous and misleading, and contrary to the avowed intent in 1924, was the following statement issued by the Secretary of Agriculture, Mr. Wallace:

"The amendment is directed at protecting children from industrialized and commercialized employment which endangers their health and interferes with their schooling. Farm chores done outside of school hours and suited to the age and physical capacity of the youngsters certainly do not come under the heading of industrialized and commercialized employment."

Of course, they do not; but the Secretary overlooked the fact that the amendment is not at all limited to industrialized and commercialized employment, and that no such heading or limitation or provision is contained therein.

Those who have any doubt as to the understanding and intention of both the Senate and House of Representatives with regard to the meaning, scope and effect of the amendment, as I am stating it to you, should read the CONGRESSIONAL RECORD, which I affirm conclusively establishes the broad scope and reach of the amendment as intended to include the labor of children in the homes and on the home farms. I am confident that if the Secretary of Labor, the Secretary of Agriculture, and many other sincere advocates of ratification would only take the pains to consult the CONGRESSIONAL RECORD for 1923 and 1924, they would not be making or endorsing any such erroneous statements as I have quoted.

I urge you to delve still deeper into the RECORD. It conclusively establishes that both the House and Senate deliberately intended to vest unlimited power not only to limit and regulate but as well to prohibit the labor of all persons under 18 years of age.

You will find in the minority dissenting report of the Judiciary

Committee of the House written and presented by Mr. Graham, its chairman, a very able and distinguished lawyer, that it was stated, without challenge or contradiction, that under the wording adopted it would be "possible to pass a law prohibiting the labor of all minors under 18 years of age. If so, the States would have no jurisdiction whatever left upon that subject." He added that then "the college student even, if under 18, could not work to pay his way through college." Another Representative, Mr. Ramseyer, of Iowa, who voted for the amendment, stated in the House on April 28, 1924, likewise without challenge or contradiction, as follows: "Congress will have the power to 'limit, regulate, and prohibit' the labor of girls under 18 years of age in the home and of boys under 18 years of age on the farms. Gentlemen admit that the effect of the proposed amendment is just as I state it."

Another Representative, Mr. Crisp, of Georgia, also unchallenged and uncontradicted, asserted as follows:

"This amendment does not limit or confine the power of Congress to legislate with respect to the work of persons under 18 in mines, factories, sweatshops, and other places injurious to moral or physical welfare, but it goes further—it is as wide open as the heavens—and provides authority to say they cannot work in the fields, stores, or in other wholesome and healthful occupations. It goes even further; it confers upon Congress the power to say that a girl under 18 cannot assist her mother in housework, cooking, or dishwashing in her own home, and that a son may not help his father."

These are but a few extracts from the CONGRESSIONAL RECORD. If anyone will take the pains to study the official record, conclusive evidence will readily be found as to the intent and understanding of Congress in 1924, directly the reverse of what the Secretary of Labor and the Secretary of Agriculture and many others are now asserting in 1934, 10 years later, in their campaign for the ratification of the amendment which was overwhelmingly rejected 9 years ago when the people were familiar with and understood its true intent and purpose.

I do not challenge the sincerity or good faith of these two members of the Cabinet. I grant that they do not know what the record shows. But they are ignorant of and clearly mistaken as to the understanding and intention of the framers in 1924, and I deplore the fact that before discussing the purpose and intent of the amendment they did not see fit to consult the CONGRESSIONAL RECORD. I am inclined to believe that then they would probably in candor have conceded that the language of the amendment, as understood in 1924 by its framers and proponents, and the Congress that proposed it, goes altogether too far, and much further than they personally wish to go—at least at the present time. They are substituting what they conceive and believe would be a beneficent and appropriate purpose and a reasonable and restricted regulation for an unlimited power. It is true that they, as well as many others, are quite profuse and generous in assurances of moderation and reasonableness and of absence of any present purpose or intent to urge Congress to exercise all the power which the amendment would vest in it. But how can they give any assurances as to future Congresses, or even as to the present Congress? The Secretary of Labor has recently said that "It is inconceivable that Congress should ever pass such legislation, for no one wants to prohibit all work for children under 18." That being so, why urge that a power should be granted to Congress which no one wants it ever to exercise? Criticizing this statement of Miss Perkins, the Hartford Daily Courant on April 24 in a leading editorial said:

"If nobody wants to do that, then the amendment should have been so drawn as to make it impossible. Experience has abundantly proved that sooner or later every legislative body avails itself of every last vestige of power that it possesses. It may start out moderately enough, but there are always those who think the pace too slow and insist on going farther and faster. They organize themselves under some high-sounding title that gives the impression they are working for noble humanitarian ends, and often succeed in exerting sufficient pressure upon the law-making body to gain ulterior objectives."

Others assert that it is unreasonable, or as some phrase it, "is nonsense", or "another absurdity", to apprehend that Congress would ever exercise the power to prohibit all labor of persons under 18 years of age because no State has ever gone that far. That also is quite true: No State in all our history has ever gone so far. Then again, I ask you, why give to Congress a power so drastic that no State has ever exercised or found or deemed it proper to exercise it, and which no one, except the labor organizations, now desire to have exercised?

For complete refutation of Miss Perkins' assertion that "no one wants to prohibit all work of children under 18", I refer you to a bill now pending, introduced in the House of Representatives on January 3, 1934 (H.R. 6184), by Mr. ROBERT F. RICH, of Pennsylvania (perhaps at the instance of the labor organizations), in anticipation of what he and they believed would be the early ratification of the Child-Labor Amendment and in order to make it immediately effective when it was ratified.

The bill so introduced in Congress in January of this year, in anticipation of the early ratification of the amendment, prohibits the employment of any person under 18 years of age except only as to children of 14 and under 18 during a school vacation period, and then only if a certificate be issued to such children by the superintendent of schools. Immense inquisitorial and prying powers would be vested by this bill in the Secretary of Labor and her officers and employees. The employer would be terrorized and coerced by being made criminally liable to fine and imprisonment



for any violation of the act, or for any refusal to make a statement or to permit examination of his records. The Secretary of Labor would be given unlimited power to make rules and regulations and to appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this act, with the duty to report annually an account of investigations, determinations, civil actions, criminal prosecutions, and expenditures under this act, and there is authorized to be appropriated such sums as may be necessary for the purposes of this act. Verily, we have here an unlimited and enormous expansion of political patronage, inquisitorial powers, unlimited funds, and thousands of appointees constituting a huge bureaucracy of politicians who would reach and spy into every employment and every household. And this, mind you, is only the beginning. We would indeed be blind if we refused to ponder this "handwriting on the wall", or to heed this forecast and warning.

Suggestions were made in Congress in 1924 to the effect that Congress could be trusted to exercise the proposed power reasonably, and that there was then no present intention to enact any drastic law, or ever to exercise to its full extent the power conferred. But, if there was no intention ever to exercise the power conferred to prohibit all labor of persons under 18 years of age, what then was the necessity or excuse for granting the power and making it unlimited? What then was the reason for rejecting all amendments which would have reasonably limited the power of Congress? Why grant a power to Congress that is never intended to be exercised?

It is again urged, and may be said to you today, that we should put our trust in Congress, that we ought to have confidence in our Representatives, that patriotism so dictates, that we should rely upon them to be reasonable and not to sacrifice the interests and welfare or affront the sentiments of any section of the country. As if Congress, especially during the past 15 years, has not repeatedly enacted objectionable legislation, had not repeatedly overruled patriotic and sound vetoes of the President, strikingly and alarmingly shown in its recent vote with regard to the Veterans' Bonus, and had not year after year squandered the public funds through wasteful and unnecessary appropriations, in order to promote the interests of militant minorities and expand the ever-increasing political patronage and appropriations of the Departments in Washington.

Last Monday, in a public address, the New York State Tax Commissioner, Mr. Mark Graves, one of the Nation's foremost taxation experts, charged that Congress, through its excessive and ill-advised taxation, was threatening to cause chaos and disaster in State and local government financing, and he declared that "it is high time that Senators and Congressmen realize that the States have some rights in these tax matters. But", he added, "many of these men forget that they owe some duties to the taxpayers in States and districts which they represent." Last Thursday the leading editorial in the New York Times criticized our huge and ever-increasing and high Federal bureaucracy, and stated that "the Home Owners' Loan Corporation is one of the new creations, but it already has more than 10,000 employees." The editorial continued: "Whereto this thing would grow if not checked, no man can foretell. . . . It would not make the lot of the American worker any easier to tell him that the two men whom he has to carry on his back are not soldiers, but Federal inspectors."

Congress has been for many years constantly reaching into fields of government and political activity which the Founders intended should be inviolably reserved to and belong exclusively to the States to administer. I am one of the many who are profoundly convinced that Congress cannot be relied on to be reasonable or conservative or economical where new bureaus are to be created which inevitably multiply Federal political patronage, or where local interests or organized minorities are agitating and clamoring for special benefits and advantages, or where is involved the appropriation and distribution of Federal funds raised by taxation. The constant increases of appropriations by Congress and of the personnel of our bureaucracies centered in and directed from Washington are not only alarming, but they portend to thoughtful observers ultimate catastrophe. A number of the States are now receiving from Federal funds far more than they pay or contribute in taxes, and many of us are incensed enough and plain-spoken enough to characterize these distributions as political subsidies and bribes. Hundreds of millions of dollars—billions in fact—are now being distributed, and by next year, 1935, we shall have a national debt of \$32,000,000,000 as the stupendous and destructive burden we and our children and grandchildren will have to carry.

Those of you who are seeking facts and guidance as to the tendencies of Congress and the expansion of its activities and lavish squandering of public funds, as well as oppressive and objectionable encroachments upon the States, their right to the field of local self-government therein, and the reasons why Congress should not be given further powers to extend its activities and squander funds raised by excessive and confiscatory taxation should read Congressman JAMES M. BECK's discussion of the subject in his book, published in 1932, under the title of "Our Wonderland of Bureaucracy", and the excellent and most informative review published still more recently by Mr. Sterling E. Edmunds, of the St. Louis bar, under the title of "The Federal Octopus in 1933."

I have affirmed and I reaffirm to you that if this proposed amendment be ratified, there will ultimately be an enormous increase in the personnel of the Labor Department, and that it will then, in all probability, shortly become one of the depart-

ments of the Government at Washington having the largest political patronage and the control and expenditure of correspondingly immense appropriations. It had a staff of 5,226 bureaucrats in 1933 and appropriations of \$12,924,770, and probably has much more now. If already, at the very start, it has required or resulted in the appointment of 10,000 Federal employees to administer the Home Owners' Loan Corporation, it should take at the start many times that number to administer laws and regulations that would affect nearly every home in the entire country and require constant inspection and supervision of every place where children are to be found. As Governor Smith has recently said in opposing ratification of this Amendment: "Is it conceivable that Federal control can be exercised otherwise than through a new army of inspectors, investigators, sleuths, bloodhounds, and statisticians traveling about in trains, automobiles, and on horseback, stopping at hotels, and bedeviling the work of [State] labor departments?"

A huge additional staff would have to be appointed in the Labor Department in order to render effective even the most simple and reasonable enactments and regulations under this proposed amendment, and many of this political personnel would probably be just as fanatical, offensive, and incompetent and just as much political appointees, grafters, racketeers, and blackmailers as were many of the thousands charged with the enforcement of the provisions of the Volstead Act and its amendments and as so many have been scandalously found to be in connection with the administration of the Federal unemployment and relief funds this very year.

You will probably be told that it is unpatriotic not to trust our Congress, not to believe in its reasonableness and restraint, and not to rely upon the present or future Congresses to do no more than make permanent the existing N.R.A. codes and their limitations, regulations and prohibitions affecting all persons under 18 years of age. But this trust, in the judgment of many of us, would be improvident and probably disastrous in the long run. These codes are essentially experimental and temporary; the practicability and success of many are very doubtful; there are, as we all personally know, already profound misgivings and discontent, and the prohibitions of the labor of youths, male and female, between 15 and 18, therein contained, are now working cruel hardship, distress, and injustice to many families and households where such youths are or were the only means of support, and in many instances adult union members have taken their places. It is true that some part of the hunger, suffering, and distress caused thereby is being relieved by charity, public and private; but I can imagine nothing more objectionable or more demoralizing to these youths, male and female, American boys and girls—the hope of the future of our citizenship—than this deprivation of the right and liberty to work, with its discipline and character upbuilding, and this denial of the duty and right to help in the support of their families when such help is sorely needed. This method of pauperizing American families and making them dependent on public charity administered and abused by politicians—many of whom are grafters even in tickets for food—will inevitably debase the characters of our youths and bring about all the vices that pauperism and idleness inevitably breed and beget. I venture confidently to prophesy that we would pay a frightful price as the fruit of this policy, if made permanent or further extended, in the pauperizing and demoralization of our youths. I wish I had time to cite to you deplorable and distressing examples within my own personal knowledge. But I shall read to you part of an editorial in the Observer-Dispatch, of Utica, published last month in opposition to ratification by the New York State Legislature:

"Carried out to the extent that would be possible under the amendment, the entire population under the age of 18 years would become nonproductive. The great value of inculcating habits of industry in the young would be forever lost. And there can be no doubt that if such habits are not formed before one is 18 years of age, they will almost never be formed thereafter."

The most striking and recent—I hope never-to-be-forgotten—example of the extremes to which Congress may go in bending before the clamor of aggressive minorities and bureaucrats in Washington is what followed the ratification of the Eighteenth or Prohibition Amendment. In Congress and before State legislatures three distinct representations and promises were made as to the effect and manner of enforcement of the amendment in order to secure ratification. These were (1) that it would not apply to nonintoxicating liquors, (2) that it would not be enforceable except with the concurrence of the State, and (3) that the use or prescription of alcohol "as a medicine . . . would not be interfered with." Each one of these representations and promises, as you all know, was repudiated and unperformed. The amendment was extended to concededly and indisputably non-intoxicating beverages if they contained only one-half of 1 percent of alcohol; that is, if they contained only 14 drops of alcohol in a glass containing 6 ounces or 12 tablespoonfuls of liquid. The concurrent power of enforcement of the States expressly provided for in section 2 was nullified and entirely disregarded and repudiated, and Congress assumed and exercised supreme and exclusive power of enforcement. The definite assurance by the Senate Judiciary Committee in its formal report that under the amendment the use of alcohol "as a medicine . . . would not be interfered with" was repudiated and set aside by Congress, and such use was interfered with. In Dr. Lambert's suit it was held that the courts could grant no relief notwithstanding that this eminent and high-minded physician alleged on oath and offered to prove that the prescription of alcoholic liquors

in excess of the inadequate allowance in the Volstead Act became frequently necessary in the treatment of grave diseases and in order to save human life.

The Supreme Court could nevertheless grant no relief because of the broad scope of the implied and incidental powers of Congress resulting from the grant of power to enforce, and Congress session after session refused to amend the law except to make it more oppressive.

Governor Smith, who has been for many years in this State the leading champion of every humane and wise step taken for the protection and welfare of our children, declared in the October number of the New Outlook that—

"It does not seem possible that the same States which are relieving us of the curse of the Eighteenth Amendment will now impose another constitutional curse upon us under the guise of abolishing child labor."

And in the March number of the same publication he added:

"We are told that Congress will never do anything extreme or undesirable under this amendment. That is just what the Wheelers and the Cannons told us about the Eighteenth Amendment."

The time allotted to me has now run. I keenly regret that I have not the opportunity to discuss the other important aspects of this proposal to expand the power and authority of Congress and undermine the power and authority as well as the duty and responsibility of the States and the territorial and insular governments. I profoundly believe and confidently predict that the effects of ratification of this proposed and so-called "child labor Amendment" would be most prejudicial and demoralizing, and especially so with respect to the future welfare of the children and youths of our country.

#### EXECUTIVE SESSION

Mr. ROBINSON of Arkansas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate several messages from the President of the United States submitting nominations (and also withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

#### EXECUTIVE REPORT OF A COMMITTEE

Mr. LONERGAN, from the Committee on the Finance, reported favorably the nomination of Fannie Dixon Welch, of Columbia, Conn., to be collector of customs for customs collection district no. 6, with headquarters at Bridgeport, Conn., in place of Elwyn T. Clark, serving under temporary commission issued during the recess of the Senate, which was ordered to be placed on the calendar.

#### THE CALENDAR

##### THE JUDICIARY

The VICE PRESIDENT. The calendar is in order.

The Chief Clerk read the nomination of Felthan Watson, of Missouri, to be district attorney of the United States Court for China.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Edwin G. Moon to be United States attorney for the Southern District of Iowa.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Charles H. Cox to be United States marshal for the northern district of Georgia.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

#### POSTMASTERS

The Chief Clerk proceeded to read the nominations of sundry postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

That completes the calendar.

#### RECESS

Mr. ROBINSON of Arkansas. I move that the Senate take a recess until 9 o'clock a.m. tomorrow.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas.

The motion was agreed to; and (at 9 o'clock and 50 minutes p.m.) the Senate took a recess until tomorrow, Saturday, June 16, 1934, at 9 o'clock a.m.

#### NOMINATIONS

*Executive nominations received by the Senate June 15 (legislative day of June 6), 1934*

##### UNITED STATES ATTORNEY

William C. Lewis, of Oklahoma, to be United States attorney, Western District of Oklahoma. Mr. Lewis is now serving under an appointment by the court.

##### UNITED STATES MARSHALS

William H. McDonnell, of Illinois, to be United States marshal, Northern District of Illinois, to succeed Henry C. W. Laubheimer, resigned.

Sid A. Willis, of Montana, to be United States marshal, District of Montana, to succeed Rolla Duncan, whose resignation is effective June 30, 1934.

Samuel E. Swinney, of Oklahoma, to be United States marshal, Eastern District of Oklahoma, to succeed Clark B. Wasson, term expired.

#### PROMOTION IN THE REGULAR ARMY

##### MEDICAL CORPS

##### To be colonels

Lt. Col. Mahlon Ashford, Medical Corps, from June 13, 1934.

Lt. Col. Edward Godfrey Huber, Medical Corps, from June 13, 1934.

Lt. Col. Arthur Newman Tasker, Medical Corps, from June 13, 1934.

Lt. Col. Howard McCrum Snyder, Medical Corps, from June 13, 1934.

Lt. Col. Garfield Lesley McKinney, Medical Corps, from June 13, 1934.

##### DENTAL CORPS

##### To be captain

First Lt. William Thomas Williams, Dental Corps, from June 11, 1934.

#### POSTMASTERS

##### CALIFORNIA

George H. Treat to be postmaster at San Andreas, Calif., in place of Louis Cademartori. Incumbent's commission expired January 11, 1934.

Orton P. Brady to be postmaster at Upland, Calif., in place of L. N. Kirk. Incumbent's commission expired February 10, 1934.

##### COLORADO

Herman H. Brown to be postmaster at Eagle, Colo., in place of M. D. Thomas. Incumbent's commission expired December 16, 1933.

William H. Rhoades, Jr., to be postmaster at Kit Carson, Colo., in place of W. A. Baghott. Incumbent's commission expired April 15, 1934.

Charles F. Horn to be postmaster at Pueblo, Colo., in place of G. A. Lee. Incumbent's commission expired June 17, 1934.

Byron M. Norris to be postmaster at Walden, Colo., in place of Samuel Coen, resigned.

##### DELAWARE

Henry B. Mitchell to be postmaster at Millsboro, Del., in place of W. L. Parker. Incumbent's commission expired June 6, 1934.

Charles J. Dougherty to be postmaster at New Castle, Del., in place of E. P. Clayton. Incumbent's commission expired May 29, 1934.



## FLORIDA

Ira C. Williams to be postmaster at Dania, Fla., in place of I. C. Williams. Incumbent's commission expired April 10, 1930.

Frederick A. Carnell to be postmaster at Ormond, Fla., in place of F. A. Carnell. Incumbent's commission expired May 7, 1934.

## GEORGIA

Francis B. Maddox to be postmaster at Lawrenceville, Ga., in place of S. D. Sims. Incumbent's commission expired February 24, 1931.

Lida Simpson to be postmaster at Norcross, Ga., in place of W. M. McElroy. Incumbent's commission expired January 26, 1933.

## IDAHO

Glenn H. Sanders to be postmaster at Moscow, Idaho, in place of H. E. Estes, resigned.

## ILLINOIS

William J. Fahey to be postmaster at Bloomington, Ill., in place of E. L. Hiser. Incumbent's commission expired January 11, 1933.

George R. Davis to be postmaster at Mount Sterling, Ill., in place of E. H. Hannant. Incumbent's commission expires June 24, 1934.

John P. Lennon to be postmaster at Plainfield, Ill., in place of U. S. G. Blakely, removed.

Herman C. Thiemann to be postmaster at Roselle, Ill., in place of F. H. Fairbanks. Incumbent's commission expired March 2, 1933.

Alfred J. Geiseman to be postmaster at Shannon, Ill., in place of H. E. Gemmill. Incumbent's commission expired January 28, 1934.

Lillian R. M. Clasen to be postmaster at Union, Ill., in place of W. C. Nulle. Incumbent's commission expired March 2, 1933.

## INDIANA

Joseph C. Whitesell to be postmaster at Plymouth, Ind., in place of Hubert Tanner, removed.

## IOWA

Tilda O. Nye to be postmaster at Allerton, Iowa, in place of W. H. Hall, resigned.

Myrtle E. Smith to be postmaster at Edgewood, Iowa, in place of G. E. Gates, resigned.

Lawrence J. Roth to be postmaster at Fairfield, Iowa, in place of P. S. Junkin. Incumbent's commission expired May 20, 1934.

James Lowell Carr to be postmaster at Lamont, Iowa, in place of A. F. Pitman. Incumbent's commission expired March 8, 1934.

Frank G. Huebsch to be postmaster at McGregor, Iowa, in place of I. A. Boyle. Incumbent's commission expired April 2, 1934.

Anna L. Staudt to be postmaster at Marble Rock, Iowa, in place of L. A. Moore. Incumbent's commission expired November 6, 1933.

James G. Casey to be postmaster at Osage, Iowa, in place of H. C. Goplerud, removed.

Ben R. Shine to be postmaster at Winthrop, Iowa, in place of H. E. Frantz. Incumbent's commission expired February 10, 1934.

## KANSAS

Horace G. Bodwell to be postmaster at Arlington, Kans., in place of C. T. Taylor, deceased.

Lacel G. Moss to be postmaster at Atlanta, Kans., in place of J. L. Lee. Incumbent's commission expired April 28, 1934.

Carey Olson to be postmaster at Bazine, Kans., in place of O. E. Becker, removed.

Ivan R. Cordill to be postmaster at Bern, Kans., in place of M. I. Driggs. Incumbent's commission expired March 18, 1934.

Vaclav Sajner to be postmaster at Bison, Kans., in place of Vaclav Sajner. Incumbent's commission expired March 18, 1934.

Jane Waters to be postmaster at Bonner Springs, Kans., in place of A. B. Stark, resigned.

Samuel E. Notestine to be postmaster at Burdett, Kans., in place of C. R. Haymond. Incumbent's commission expired January 28, 1934.

James D. Egbert to be postmaster at Cimarron, Kans., in place of J. R. Shoup. Incumbent's commission expired January 28, 1934.

Asa I. Cox to be postmaster at Colony, Kans., in place of H. T. Hill. Incumbent's commission expired April 16, 1934.

Mildred F. Atkinson to be postmaster at De Soto, Kans., in place of J. W. Baker. Incumbent's commission expired January 28, 1934.

Carl A. Gibson to be postmaster at Dighton, Kans., in place of C. C. Cramer. Incumbent's commission expired March 22, 1934.

Charles A. Hegarty to be postmaster at Effingham, Kans., in place of C. E. Sells. Incumbent's commission expired March 22, 1934.

Page Manley to be postmaster at Elk City, Kans., in place of J. W. Wright. Incumbent's commission expired March 18, 1934.

Vesta Velma McClung to be postmaster at Elkhart, Kans., in place of H. W. Adams, removed.

Elbert Holcomb to be postmaster at Fredonia, Kans., in place of C. N. Shafer. Incumbent's commission expired April 15, 1934.

Ivan J. DeVore to be postmaster at Frontenac, Kans., in place of Charles Friskel. Incumbent's commission expired April 28, 1934.

Homer I. Shaw to be postmaster at Galesburg, Kans., in place of F. E. Enlow. Incumbent's commission expired March 8, 1934.

Fred V. Morgan to be postmaster at Greeley, Kans., in place of B. F. Liebt. Incumbent's commission expired April 16, 1934.

John L. A. Wainscott to be postmaster at Hazelton, Kans., in place of D. O. Edwards. Incumbent's commission expired February 6, 1934.

Dale Graves to be postmaster at Healy, Kans., in place of A. E. Waterman. Incumbent's commission expired January 28, 1934.

William A. Hess to be postmaster at Humboldt, Kans., in place of C. A. Reynolds. Incumbent's commission expired January 28, 1934.

Elias J. Borders to be postmaster at Ingalls, Kans., in place of A. A. Bernasky. Incumbent's commission expired January 18, 1933.

Charles R. Hollenberg to be postmaster at Irving, Kans., in place of L. L. George. Incumbent's commission expired January 28, 1934.

Harry T. Fish to be postmaster at La Crosse, Kans., in place of L. L. Robinson. Incumbent's commission expired February 28, 1933.

Michael A. Hilgers to be postmaster at Lansing, Kans., in place of R. M. Williams, resigned.

Joseph E. Gardiner to be postmaster at Leavenworth, Kans., in place of E. E. Brewster. Incumbent's commission expired December 19, 1931.

Charles H. Wilson to be postmaster at Moline, Kans., in place of R. F. Tyler. Incumbent's commission expired January 30, 1933.

Otis S. Lambeth to be postmaster at Moran, Kans., in place of R. W. Martin. Incumbent's commission expired January 28, 1934.

Benjamin F. McKim to be postmaster at Morrill, Kans., in place of F. T. Elliot. Incumbent's commission expired April 16, 1934.

Carl Eickholt to be postmaster at Offerle, Kans., in place of B. L. Sams. Incumbent's commission expired December 16, 1933.

Vernon F. Walker to be postmaster at Otis, Kans., in place of Lida Zimmerman. Incumbent's commission expired December 18, 1933.

Edmund C. Turner to be postmaster at Overland Park, Kans., in place of W. W. Weldon. Incumbent's commission expired June 19, 1933.

Lawrence W. Leisure to be postmaster at Pleasanton, Kans., in place of W. E. Baker. Incumbent's commission expired January 28, 1934.

Clarence S. Brumbaugh to be postmaster at Sabetha, Kans., in place of L. J. Cobun. Incumbent's commission expired March 18, 1934.

James J. Owen to be postmaster at St. John, Kans., in place of G. W. Budge, deceased.

Basil E. Palmer to be postmaster at Sedan, Kans., in place of A. J. Floyd. Incumbent's commission expired September 18, 1933.

John J. Appelkans to be postmaster at Spearville, Kans., in place of E. M. Baird. Incumbent's commission expired March 22, 1934.

George J. Smith to be postmaster at Summerfield, Kans., in place of J. M. Kendall. Incumbent's commission expired January 28, 1934.

Victor Gibson to be postmaster at Sylvia, Kans., in place of J. W. Coleman. Incumbent's commission expired March 8, 1934.

James A. Hanks to be postmaster at Wetmore, Kans., in place of C. J. Wood. Incumbent's commission expired December 19, 1931.

Milo R. Housh to be postmaster at Winchester, Kans., in place of A. C. Curry. Incumbent's commission expired December 19, 1931.

#### KENTUCKY

Bess S. May to be postmaster at Prestonsburg, Ky., in place of Ella Ferguson, resigned.

Carroll E. Withers to be postmaster at Providence, Ky., in place of E. G. Thompson. Incumbent's commission expired December 16, 1933.

J. Rowland Garman to be postmaster at Smiths Grove, Ky., in place of P. H. Butler, removed.

#### LOUISIANA

William P. Bridenthal to be postmaster at Bunkie, La., in place of L. P. Carter. Incumbent's commission expired May 20, 1934.

#### MASSACHUSETTS

Charles A. Cronin to be postmaster at Lawrence, Mass., in place of J. R. Tetler, resigned.

William J. Farley to be postmaster at South Hanson, Mass., in place of N. S. Harley, resigned.

#### MINNESOTA

Gertrude M. McGowan to be postmaster at Appleton, Minn., in place of Edward Lende, resigned.

Timothy Hurley to be postmaster at Bird Island, Minn., in place of Ross Knutson. Incumbent's commission expired January 22, 1934.

George H. Malven to be postmaster at Browerville, Minn., in place of John Gaida. Incumbent's commission expired December 18, 1933.

Stella C. Olson to be postmaster at Karlstad, Minn., in place of A. P. Lofgren. Incumbent's commission expired January 31, 1934.

Arthur P. Rose to be postmaster at Marshall, Minn., in place of F. L. Hoagland. Incumbent's commission expired February 25, 1933.

Chester J. Gay to be postmaster at Moose Lake, Minn., in place of N. L. Swanson. Incumbent's commission expired December 20, 1932.

#### MISSOURI

Samuel W. Vaughn to be postmaster at Bogard, Mo., in place of R. E. Worth, removed.

Arthur J. Clayton to be postmaster at Brunswick, Mo., in place of R. W. Benecke. Incumbent's commission expired February 6, 1934.

John M. Warren to be postmaster at Cardwell, Mo., in place of H. J. Walker. Incumbent's commission expired April 15, 1934.

Earl E. Lamberson to be postmaster at Wheaton, Mo., in place of Edwin McKinley. Incumbent's commission expired February 6, 1934.

#### NEBRASKA

Claude J. Wright to be postmaster at Aurora, Nebr., in place of J. E. Schoonover. Incumbent's commission expired May 2, 1934.

Peter P. Braun to be postmaster at Henderson, Nebr., in place of H. D. Friesen. Incumbent's commission expired January 26, 1933.

Hugo Stevens to be postmaster at Kilgore, Nebr., in place of Elizabeth Mohr. Incumbent's commission expired February 6, 1934.

Charles F. Beushausen to be postmaster at Loup City, Nebr., in place of Minnie Johansen. Incumbent's commission expired April 16, 1934.

#### NEW HAMPSHIRE

William F. Keating to be postmaster at Hill, N.H., in place of D. B. Rounds. Incumbent's commission expired March 22, 1934.

#### NEW JERSEY

William H. Thompson to be postmaster at Farmingdale, N.J., in place of J. R. Allaire, removed.

Benjamin J. Haulboskey to be postmaster at Leonardo, N.J., in place of Berta Baker. Incumbent's commission expired December 20, 1932.

Herbert Schulhafer to be postmaster at Linden, N.J., in place of L. S. Spates. Incumbent's commission expired March 8, 1934.

#### NEW YORK

Edgar L. Karns to be postmaster at Arkport, N.Y., in place of L. J. Taylor. Incumbent's commission expired March 8, 1934.

Gerald K. Woods to be postmaster at Castorland, N.Y., in place of F. H. Woolshlager. Incumbent's commission expired March 8, 1934.

Vincent L. Keenan to be postmaster at Churchville, N.Y., in place of Fred McIntosh. Incumbent's commission expired January 28, 1934.

Corliss R. Pitkin to be postmaster at Corinth, N.Y., in place of B. M. Ide. Incumbent's commission expired December 11, 1933.

Francis D. Van Arman to be postmaster at Ellenburg Depot, N.Y., in place of G. M. McKinney. Incumbent's commission expired January 8, 1934.

Ethel M. Martin to be postmaster at Hamlin, N.Y., in place of M. E. Redman, removed.

Agnes H. Mead to be postmaster at Hannibal, N.Y., in place of B. R. Bothwell. Incumbent's commission expired January 8, 1934.

Rae M. Schoonmaker to be postmaster at Kerhonkson, N.Y., in place of J. R. Doyle. Incumbent's commission expired December 16, 1933.

Benjamin R. Gerow to be postmaster at Liberty, N.Y., in place of William Brown, transferred.

Charles R. S. Mastin to be postmaster at Lyons Falls, N.Y., in place of F. J. Sheldon. Incumbent's commission expired March 22, 1934.

Andrew E. Ryan to be postmaster at Manchester, N.Y., in place of C. D. Overacre. Incumbent's commission expired April 28, 1934.

Thomas A. Banta to be postmaster at Newfane, N.Y., in place of E. M. Schanbacher. Incumbent's commission expired January 28, 1934.

Michael J. Coffey to be postmaster at Port Leyden, N.Y., in place of R. L. Wilcox. Incumbent's commission expired March 22, 1934.

James F. Moffett to be postmaster at Schenectady, N.Y., in place of E. G. Conde. Incumbent's commission expired December 16, 1933.

Jeremiah F. Healy to be postmaster at Williamstown, N.Y., in place of Ahava Rathbun. Incumbent's commission expired March 8, 1934.



Charles E. Meyers to be postmaster at Wurtsboro, N.Y., in place of Harry Northrup. Incumbent's commission expired January 8, 1934.

Guy H. Wall to be postmaster at Youngstown, N.Y., in place of W. C. Eaton. Incumbent's commission expired December 16, 1933.

## NORTH DAKOTA

Hans C. Nelson to be postmaster at Washburn, NDak., in place of A. L. Peterson, removed.

## OHIO

Charles J. Slezak to be postmaster at Brecksville, Ohio, in place of M. M. Feller. Incumbent's commission expired March 8, 1934.

Jessie K. Dilworth to be postmaster at Cortland, Ohio, in place of M. B. Wanamaker. Incumbent's commission expired March 22, 1934.

Leo R. Jones to be postmaster at Forest, Ohio, in place of L. A. Conklin. Incumbent's commission expired April 15, 1934.

Albert K. Merriman to be postmaster at Gallipolis, Ohio, in place of H. R. Hurn. Incumbent's commission expired May 16, 1932.

Claude E. Archambeault to be postmaster at Holgate, Ohio, in place of W. R. Poulson. Incumbent's commission expired March 22, 1934.

Neile Stinebaugh to be postmaster at Republic, Ohio, in place of C. E. Womer. Incumbent's commission expired December 18, 1933.

Edward H. Richner to be postmaster at Twinsburg, Ohio, in place of O. M. Elliott. Incumbent's commission expired December 7, 1932.

## OREGON

Hampton T. Pankey to be postmaster at Central Point, Oreg., in place of G. E. Tex. Incumbent's commission expired February 6, 1934.

## PENNSYLVANIA

Daniel E. Hartman to be postmaster at Benton, Pa., in place of H. E. Smith. Incumbent's commission expired January 28, 1934.

Rebecca A. Murphy to be postmaster at Cherry Tree, Pa., in place of E. E. Sechler. Incumbent's commission expired March 8, 1934.

Amy A. Short to be postmaster at Conway, Pa., in place of J. R. Jones, resigned.

Thomas H. Black to be postmaster at Hershey, Pa., in place of J. A. Balsbaugh. Incumbent's commission expired April 2, 1934.

Leo A. Donahoe to be postmaster at McKees Rocks, Pa., in place of J. J. Herbst. Incumbent's commission expired December 18, 1933.

James R. Detwiler to be postmaster at Williamsburg, Pa., in place of J. T. Patterson, removed.

## SOUTH DAKOTA

W. Clyde Bidleman to be postmaster at Wessington Springs, SDak., in place of W. C. Bromwell, deceased.

## TENNESSEE

Albert A. Trusler to be postmaster at Jonesboro, Tenn., in place of W. C. Shipley, removed.

Harry M. Calloway to be postmaster at Lenoir City, Tenn., in place of J. L. Hope. Incumbent's commission expired December 20, 1932.

Burleigh L. Day to be postmaster at Pressmen's Home, Tenn., in place of R. E. Rogers, removed.

## TEXAS

Marguerite A. Mullen to be postmaster at Alice, Tex., in place of Clarence Walters. Incumbent's commission expired March 18, 1934.

Stephen S. Perry to be postmaster at Freeport, Tex., in place of T. W. Elkins. Incumbent's commission expired February 28, 1933.

Fred Boothe to be postmaster at Gonzales, Tex., in place of W. K. Davis, resigned.

Charlotte M. Boyle to be postmaster at La Porte, Tex., in place of H. B. Harrison. Incumbent's commission expired February 14, 1934.

Tom W. Hines to be postmaster at Venus, Tex., in place of A. E. Foster. Incumbent's commission expired February 14, 1934.

Robert K. Phillips to be postmaster at Weatherford, Tex., in place of W. M. Hudson. Incumbent's commission expired March 18, 1934.

## VERMONT

Catherine F. Richards to be postmaster at Randolph, Vt., in place of F. H. Hayward, transferred.

Alson L. Esty to be postmaster at Richford, Vt., in place of C. H. Austin. Incumbent's commission expired April 28, 1934.

## VIRGINIA

Irven M. Keller to be postmaster at Abingdon, Va., in place of C. T. Rush, removed.

Samuel S. Brooks to be postmaster at Appalachia, Va., in place of E. A. Collins, removed.

Sidney H. Barnett to be postmaster at Bluefield, Va., in place of J. G. Gillespie, removed.

Franklin O. Caffrey to be postmaster at Bumpass, Va., in place of C. E. D. Burtis, removed.

Utah A. Amburgey to be postmaster at Castlewood, Va., in place of H. P. Holbrook, resigned.

Lena S. Perkins to be postmaster at Cedar Bluff, Va., in place of H. G. Norman, removed.

Horton S. Carter to be postmaster at Clinchport, Va., in place of J. K. Carter, resigned.

Charles D. Lay to be postmaster at Coeburn, Va., in place of C. E. Bcvin. Incumbent's commission expired February 8, 1933.

Robert W. Ervin to be postmaster at Dante, Va., in place of R. P. Dickenson, resigned.

Johnnie Wilson to be postmaster at Fieldale, Va., in place of H. W. Nester. Incumbent's commission expired April 16, 1934.

Gerdana S. Pettit to be postmaster at Fredericks Hall, Va., in place of H. H. Hardenbergh. Incumbent's commission expired April 16, 1934.

James G. Albert to be postmaster at Honaker, Va., in place of C. W. Fuller, removed.

Wills W. Flannagan to be postmaster at Lebanon, Va., in place of J. W. Ketron, Jr., removed.

Augustus W. Aston to be postmaster at Meadowview, Va., in place of A. M. Snodgrass. Incumbent's commission expired December 12, 1932.

John L. Sibold to be postmaster at Pembroke, Va., in place of R. D. Williams. Incumbent's commission expired April 16, 1934.

John P. Kelly to be postmaster at Pennington Gap, Va., in place of G. W. Horton, removed.

Solon Baach to be postmaster at Pocahontas, Va., in place of M. B. Hammitt, resigned.

Eugene P. Whitman to be postmaster at Pulaski, Va., in place of A. L. Cannaday, resigned.

Alonzo C. Humphrey to be postmaster at Remington, Va., in place of M. K. Payne. Incumbent's commission expired April 22, 1934.

Frank D. Coleman to be postmaster at Rose Hill, Va., in place of M. B. Hobbs, resigned.

Joseph S. Rasnick to be postmaster at St. Paul, Va., in place of H. C. Bolton, removed.

Vernon C. Griffith to be postmaster at Shenandoah, Va., in place of F. M. Phillips. Incumbent's commission expired April 8, 1934.

Vincent W. Joyner to be postmaster at Smithfield, Va., in place of J. B. Jones, removed.

Janie J. Boyd to be postmaster at Stonega, Va., in place of Asher Brinson, resigned.

Frank T. Witten to be postmaster at Tazewell, Va., in place of R. W. Harman, removed.

Margaret M. Fulton to be postmaster at Wise, Va., in place of Campbell Slem, removed.

## WASHINGTON

Joseph F. Lavigne to be postmaster at Cusick, Wash., in place of J. F. Lavigne. Incumbent's commission expires June 20, 1934.

Thomas E. Skaggs to be postmaster at Everett, Wash., in place of N. J. Craigie. Incumbent's commission expired May 7, 1934.

## WEST VIRGINIA

Jess Hill to be postmaster at Davy, W.Va., in place of J. O. Stone, resigned.

Carl Hinton to be postmaster at Hinton, W.Va., in place of J. G. Meadows, removed.

Byron L. Osburn to be postmaster at Kenova, W.Va., in place of J. W. Bailey. Incumbent's commission expired January 28, 1934.

Grover C. Walker to be postmaster at Omar, W.Va., in place of O. S. Lindamood, resigned.

Ann H. Wetherby to be postmaster at Welch, W.Va., in place of B. H. Gray, resigned.

## WISCONSIN

Vernon A. Martin to be postmaster at Amherst, Wis., in place of E. N. Brandt. Incumbent's commission expired December 16, 1933.

Hallie M. Norris to be postmaster at La Farge, Wis., in place of C. J. Lawrence. Incumbent's commission expires June 20, 1934.

James F. Trainer to be postmaster at Lyndon Station, Wis., in place of C. B. Carter, removed.

George L. Barrett to be postmaster at Mazomanie, Wis., in place of L. E. Dye. Incumbent's commission expired May 10, 1933.

Gregory C. Flatley to be postmaster at Oconto Falls, Wis., in place of Rollyn Saunders. Incumbent's commission expired February 10, 1934.

Clarence H. Bodden to be postmaster at Theresa, Wis., in place of H. L. Haessly, removed.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate June 15 (legislative day of June 6), 1934*

## DISTRICT ATTORNEY

Felthan Watson, to be District Attorney United States Court for China.

## UNITED STATES ATTORNEY

Edwin G. Moon to be United States Attorney southern district of Iowa.

## UNITED STATES MARSHAL

Charles H. Cox to be United States Marshal northern district of Georgia.

## POSTMASTERS

## FLORIDA

Kirby D. Rooks, Bonifay.

Jerald W. Farr, Wauchula.

## NEBRASKA

Alva E. Wallick, Bennet.

Edna Willis, Central City.

Hjalmar A. Swanson, Clay Center.

William A. Horstmann, Creighton.

Mildred A. Field, Dunning.

Frank D. Strobe, Orchard.

Wilhelm C. Peters, Wausa.

## NEW YORK

DeVerne A. Lewis, Canastota.

Earl P. Talley, East Rochester.

Charles Robert Freece, East Worcester.

John J. McClory, Franklinville.

James E. Burns, Glen Cove.

Anna G. Prendergast, Hall.

William F. Driscoll, Kauneonga Lake.

Frank H. Wood, Lake George.

Allen J. C. Schmuck, Lawrence.

John P. Young, Liverpool.

Kathryn R. Fuselehr, Malverne.

Joseph E. Chester, Manhasset.

Milton S. Smith, Mayville.

Theodore W. Cook, Montauk.

Francis G. Van Emmerik, Oakdale Station.

Christopher C. King, Rockville Centre.

Herbert Zahorik, Roscoe.

Benjamin J. Kuhn, St. Bonaventure.

Julia H. Roche, Unionville.

James D. Desmond, Waddington.

Edward D. Guyder, Weedsport.

Charles H. Widrick, Whitesboro.

Nora B. King, Woodbourne.

## OHIO

Harold Q. Overholser, Camden.

Emmert H. Crim, Cleves.

Leslie O. Campbell, Georgetown.

William N. Long, Kingsville.

Herman E. Homberger, Mansfield.

James H. Smith, Middleport.

Ivan Schuler, New Vienna.

Paul A. Elick, Payne.

Charles M. Hogan, Wellston.

## SOUTH CAROLINA

Curtis W. Dukes, Branchville.

Ollie W. Bowers, Central.

Charlton W. Ellis, Estill.

Sophie Flowers Poston, Johnsonville.

Wood K. Durham, Landrum.

Loula B. O'Connor, Meggett.

## TENNESSEE

Ocie C. Hawkins, Stanton.

## WASHINGTON

Lillian M. Tyler, Brewster.

John E. Martin, Buckley.

Walter I. Peterson, Granger.

Tormod A. Myklebust, Lacrosse.

Otto F. Reinig, Snoqualmie.

Jessie M. Severyns, Sunnyside.

Walter D. Codd, Tekoa.

## WEST VIRGINIA

Emery L. Woodall, Hamlin.

## WISCONSIN

Vincent J. Dwyer, Alma Center.

Charles P. McCormick, Belleville.

William H. McCrea, Benton.

Dale J. Cannon, Birnamwood.

Alwin W. Kallies, Bonduel.

Opal R. Parent, Cable.

Chris Kartman, Cassville.

Frances S. Gruber, Catawba.

Rinold N. Duren, Cazenovia.

Edwin Foley, Clinton.

Tessa B. Morrissey, Elkhorn.

Henry E. Lauber, Glenwood City.

Edward Snoeyenbos, Hammond.

Joseph J. Brunclik, Haugen.

Louis G. Bernier, Holcombe.

Michael B. Weyer, Lomira.

Gustav A. Prenzlowl, Mattoon.

Ira A. Kenyon, Mellen.

Fred J. Marty, New Glarus.

Celestine D. Kaltenbach, Potosi.

Louis H. Schultz, Reedsburg.

Wallace J. Milsap, Shawano.

John S. Dodson, Siren.

Merlin V. Griswold, Tigerton.

Louis G. Kaye, Westboro.

James E. O'Leary, Wilton.



## WITHDRAWAL

*Executive nomination withdrawn from the Senate June 15 (legislative day of June 6), 1934*

## POSTMASTER

Hal P. Cotten to be postmaster at Rives, in the State of Tennessee.

## HOUSE OF REPRESENTATIVES

FRIDAY, JUNE 15, 1934

The House met at 11 o'clock a.m.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

Again, our Heavenly Father, the spirit of thanksgiving is in our breasts and the words of praise on our lips. We thank Thee for Him whose name is "Wonderful" for evermore. It expresses the utmost grandeur of spirit, beauty of character, and magnanimity of life. O God, let it be our happy lot to bear this supreme designation; inspire us, help us to live up to our name—a name that can be spoken above a whisper without apology under all the conditions of well-organized society. Blessed Lord, forbid that we should be tempted by fashion or pleasure, but being true to ourselves, we cannot then be false to any man. Take away from us the guilt of sin, satisfy the conscience, and bless us this day with the sense of forgiveness and peace. In all things may we be just and sympathetic, generous and enthusiastic in the service of all things good and wise. In the blessed name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Horne, its enrolling clerk announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J.Res. 295. Joint resolution authorizing appropriation for expenses of representatives of United States to meet at Istanbul, Turkey, with representatives of Turkish Republic for purpose of examining claims of either Government against the other and for expense of proceedings before an umpire, if necessary.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill and joint resolution of the House of the following titles:

H.R. 8544. An act making receivers appointed by any United States courts and authorized to conduct any business, or conducting any business, subject to taxes levied by the State the same as if such business were conducted by private individuals or corporations; and

H.J.Res. 330. Joint resolution authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign governments.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3231. An act to provide a retirement system for railroad employees, to provide unemployment relief, and for other purposes;

S. 3761. An act to authorize an annual appropriation of \$10,000 to pay the pro rata share of the United States of the expenses of the Pan American Institute of Geography and History at Mexico City; and

S.J.Res. 138. Joint resolution to amend an act entitled "An act to place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes" (Public, No. 169, 73d Cong.), approved April 21, 1934.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, the bill (H.R. 9145) entitled "An act to authorize the attendance of the Marine Band at the National Encampment of the Grand Army of the Republic, to be held at Rochester, N.Y., August 14, 15, and 16, 1934, and at the national convention of the Disabled American Veterans of the World War, to be held at Colorado Springs, Colo., during the first week in July, and at the annual convention of the Thirtieth Division of the American Expeditionary Forces to be held at Asheville, N.C., on September 28, 29, and 30, 1934."

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House thereon, and appoints Mr. WALSH, Mr. COSTIGAN, and Mr. METCALF to be the conferees on the part of the Senate.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent for the present consideration of a House resolution which I send to the desk.

Mr. VINSON of Georgia. Will the gentleman withhold that a moment?

Mr. BYRNS. Mr. Speaker, there are a half dozen unanimous-consent requests. I think we ought to take up the bills which the Speaker stated he is going to recognize for suspension and get rid of those because they are necessary in order that the House may get through and say this evening it is ready whenever the Senate is ready. If we take up 40 minutes with unanimous-consent requests we will be very late. These matters, it seems to me, can wait until after we have considered these bills, which are absolutely important and necessary in order that we may say to the Senate we are ready and we can tell them that tonight if we get through with these bills; otherwise we will be here very late.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution as follows:

## House Resolution 445

*Resolved*, That the letter from the Chief of the Bureau of Agricultural Economics of the Department of Agriculture, dated June 4, 1934, addressed to Congressman JAMES P. BUCHANAN, Chairman of the Committee on Appropriations of the House of Representatives, transmitting a report on the cotton classing facilities now available to the public under the United States Cotton Standards Act (U.S.C., title 7, secs. 51-65), and other statutory authority, together with certain suggestions as to the means by which a service might be made generally available to producers and others for classification of cotton according to the official cotton standards of the United States, be printed with illustrations as a document; and that 5,000 additional copies be printed for the use of the House document room.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. WARREN. Mr. Speaker, I offer a privileged resolution from the Committee on Accounts and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## House Resolution 428

*Resolved*, That the expenses of conducting the investigation authorized by H.Res. 418 incurred by the Committee on Ways and Means, acting as a whole or by subcommittee, not to exceed \$5,000, including expenditures for the employment of experts and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by the committee, signed by the chairman thereof and approved by the Committee on Accounts.

With the following committee amendment:

On page 1, after line 9, insert a new section reading as follows: "Sec. 2. The official committee reporters shall be used at all hearings held in the District of Columbia."

Mr. SNELL. What investigation is this?

Mr. WARREN. This is for a further study by the Ways and Means Committee which the House unanimously passed yesterday.

Mr. SNELL. On what line?